

undercollecting local taxes in seven states.
[Read more »](#)

IMMIGRATION

Hawaii Urges Justices To Keep Trump Travel Ban On Hold

President Donald Trump is attempting to bar millions of Muslims from entering the United States based in part on their nationality and on how much their nations' governments purportedly cooperate with the U.S., which Congress and legal precedent have made clear are insufficient grounds, the state of Hawaii told the U.S. Supreme Court on Friday.
[Read more »](#)

WHITE COLLAR

US Atty In LA Earned More Than \$3.7M At Gibson Dunn

President Donald Trump's nominee for U.S. attorney in California's Central District earned more than \$3.7 million since 2016 as a partner at Gibson Dunn & Crutcher LLP working for clients ranging from Apple to Uber, according to financial disclosure forms shared with Law360 on Monday. [Read more »](#)

EXPERT ANALYSIS

Show Me The Money: The Answer To Trump Bribery Questions

Reports abound that "intermediaries" for President Donald Trump and Russian President Vladimir Putin participated in a secret bribery scheme involving lifting U.S. sanctions against massive Russian financial institutions. Having worked as a federal prosecutor in the Clinton, Bush and Obama administrations, I can report that there is one cardinal rule in these types of cases — follow the money, says Seth Waxman of Dickinson Wright PLLC. [Read more »](#)

Higher Ed Should Approach Marijuana Laws Cautiously

While the lists of conditions for which medical marijuana is available in various states have expanded, and while the number of states in which marijuana use is authorized has also increased, such developments have not made it easier for college students to use marijuana on campuses, say attorneys with Saul Ewing Arnstein & Lehr LLP. [Read more »](#)

Where PTAB Reform May Be Headed

The new director of the U.S. Patent and Trademark Office has voiced openness to Patent Trial and Appeal Board reform, while the PTAB faces increased scrutiny from the Federal Circuit, intellectual property law associations, technology companies and Congress, as well as prospective admonishments from the U.S. Supreme Court in its forthcoming Oil States and SAS decisions, say Kevin Greenleaf and Scott Cummings of Dentons. [Read more »](#)

Tribes' Mobilization On Climate Change Gathers Steam

Tribes are not waiting for leadership on climate change from the federal level. Tribes' mobilization at all levels of government offers opportunities not only to protect tribal communities and the natural resources that sustain them, but also to advance tribal sovereignty and self-determination, say attorneys with Kilpatrick Townsend & Stockton LLP. [Read more »](#)

Series

Judging A Book: Hardiman Reviews 'Without Precedent'

In his new book, "Without Precedent: Chief Justice John Marshall and His Times," professor Joel Richard Paul ably explains more than a dozen of Marshall's most significant opinions, which comes as no surprise. What is a surprise — a pleasant one — is the book's

readability, says Judge Thomas Hardiman of the Third Circuit. [Read more »](#)

LEGAL INDUSTRY

Why Some BigLaw Harassment Policies Miss The Mark

Even simple preventative measures can turn complicated at law firms. Here's a look at some common steps firms are taking to stop sexual harassment along with the challenges they face. [Read more ½ B](#)

Analysis

Munger Tolles Arbitration Dust-Up May Spark BigLaw Changes

Munger Tolles & Olson LLP's decision to release its associates from forced arbitration clauses after a weekend Twitter dust-up has already inspired at least one other BigLaw firm to do the same, and in the era of #MeToo, experts say more firms probably aren't far behind. [Read more »](#)

Quinn Emanuel Says Ex-Staffer Wasn't Target Of Racism

A former Quinn Emanuel secretary's claims of being the target of a supervisor's racist and homophobic comments during an Apple v. Samsung patent trial should be tossed because the alleged conduct was not severe enough to create a hostile work environment, the law firm said Friday. [Read more »](#)

Analysis

Texas Contempt Order Should Put Associates On Notice

When a Texas federal judge rebuked attorneys for filing a Fair Labor Standards Act suit based on an invalidated overtime expansion rule, he refused to spare associates on the case from his contempt order in what experts say is a prime example of the tough ethics decisions young lawyers face. [Read more »](#)

From: Public Policy Law360
Sent: Wednesday, March 28, 2018 5:01 AM
To: Rep48
Subject: Red Flags For States Conforming To New Federal Tax Law



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Wednesday, March 28, 2018



TOP NEWS

Analysis

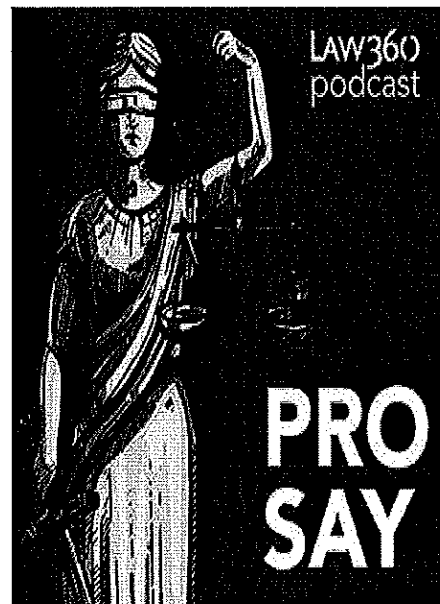
Red Flags For States Conforming To New Federal Tax Law

Conforming state tax codes to the new federal regime should bring simplicity, but tax policy experts of all stripes are warning states to stay away from certain provisions they say foster complexity, benefit the wrong taxpayers or will lead to loss of revenue. [Read more »](#)

Supreme Court Resistant To New Way To Read 4-1-4 Rulings

The U.S. Supreme Court acknowledged Tuesday that there's no great way to read its fractured rulings that lack a clear majority opinion, but suggested that one litigant's proposal to solve the problem would result in "chaos" and throw the justices out of whack. [Read more »](#)

DHS Seeks End To Kaspersky Software Ban Challenge



[Listen to our new podcast here](#)

LAW FIRMS

Baker McKenzie
Barnhouse Keegan
Bracewell

The U.S. Department of Homeland Security asked a D.C. federal judge Monday to end a lawsuit from Moscow-based Kaspersky Labs over a ban on its antivirus products, claiming U.S. authorities have indisputably valid concerns that Russian spies could commandeer the company's software. [Read more »](#)

FCC's April Agenda To Include Spectrum Auction Framework

The Federal Communications Commission said this week it is expected to move forward at its April meeting with setting the framework for upcoming spectrum auctions in the 24 and 28 gigahertz bands, along with tackling issues of rural call completion and business data services regulation. [Read more = 2](#)

State AGs Back Fed. Suit Over California Immigration Laws

A group of attorneys general and governors from 18 states on Monday voiced their support for a federal government lawsuit targeting statutes in California that allegedly obstruct federal immigration law enforcement, adding that the Golden State's laws are also preempted under U.S. Supreme Court precedent. [Read more »](#)

9th Circ. Calls For Input On Minor League Wage Exemption

The Ninth Circuit on Monday asked minor league baseball players and Major League Baseball to weigh in on new legislation that exempts the players from federal wage-and-hour requirements amid an ongoing labor dispute. [Read more »](#)

MEDIA & ENTERTAINMENT

FCC's O'Rielly Defends Media Ownership Deregulation

One Republican member of the Federal Communications Commission defended the agency's latest push to pull apart its current

Buchalter PC
Cadwalader Wickersham
Casellas Alcover
Clifford Chance
Cohen Milstein
Cravath Swaine
Debevoise & Plimpton
Dentons
Fortney & Scott
Gibson Dunn
Goldman Antonetti
Hinshaw Marsh
Hochman Salkin
Holland & Knight
Jones Day
Kemp Smith
Kirkland & Ellis
Korein Tillery
Kramer Levin
Maslon LLP
Morrison & Foerster
O'Melveny & Myers
O'Neill & Borges
Orrick Herrington
Pearson Simon
Proskauer Rose
Schiff Hardin
Vorys Sater
Weil Gotshal

COMPANIES

AT&T Inc.
Adobe Systems Incorporated
Amazon.com Inc.
American Bar Association
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations

media ownership rules, in a Tuesday speech before one of the commission's advisory committees. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Georgetown Groups' Flight Path Suit Too Late, DC Circ. Says

The D.C. Circuit on Tuesday rejected a challenge from Georgetown University and local groups seeking to block the Federal Aviation Administration from routing aircraft over their neighborhood under newly implemented flight paths that they alleged violated environmental and historic preservation laws, saying their petition came too late. [Read more »](#)

EMPLOYMENT

Mich. Gov. Signs Bill Forbidding Salary History Question Bans

Michigan Gov. Rick Snyder on Monday signed a bill that forbids local governments from limiting the questions businesses can ask during job interviews, bucking the trend of states and municipalities encouraging equal pay by blocking employers from asking applicants about their salary histories. [Read more »](#)

7th Circ. Skeptical Of Ill. Village's Right-To-Work Law

The Seventh Circuit on Tuesday seemed wary of overturning a lower court's order invalidating an Illinois village's local right-to-work ordinance, with one judge saying the village's stance that the National Labor Relations Act doesn't preempt state municipalities from making their own calls on such laws would "create massive chaos." [Read more »](#)

COMPETITION

Apple Inc.
Association of Corporate Counsel
Berkeley Research Group
Berkshire Hathaway Inc.
Cable News Network Inc.
Center on Budget and Policy Priorities
CenturyLink Inc.
Chevron Corporation
Chicago Bears
Cleveland Cavaliers
Cox Communications Inc.
DISH Network Corporation
ESPN Inc.
Equifax Inc.
Experian
Exxon Mobil Corporation
GSM Association
Google Inc.
Home Box Office Inc.
International Association of Privacy Professionals
International Union Of Operating Engineers
KPMG International
Kansas City Royals
Kaspersky Lab Ltd.
Lambda Legal Defense & Educational Fund
Major League Baseball Inc.
Major Lindsey & Africa
NFL Enterprises LLC
National Basketball Association
National Collegiate Athletic Association
National Hockey League
National Rifle Association of America
Netflix Inc.

Exec Stopped On AT&T-Time Warner Transcript At 'Good Stuff'

The Dish executive in charge of its online live television service said in D.C. federal court Tuesday that he stopped reading a trial transcript in the AT&T-Time Warner merger case, which should have been kept from him, just as he'd "gotten to the good stuff." Read more »

CYBERSECURITY & PRIVACY

Commerce Fighting Data Localization Efforts, Official Says

The U.S. Department of Commerce has increasingly been working to find common ground on privacy issues with foreign governments in order to clamp down on calls for mandates that companies only store their data locally, an agency official said Tuesday. Read more »

Senate Still Struggling With Data Breach Bill, Aide Says

U.S. Senate leaders are close to reaching an agreement on a legislative proposal that would establish a national data breach notification and security standard that many companies have clamored for, but longstanding disagreements over the bill's scope and preemption are likely to impede its progress through Congress this year, a Commerce committee staffer said Tuesday. Read more »

AEROSPACE & DEFENSE

Judge Wants Explanation On DOD's New Transgender Policy

A Washington federal judge on Tuesday gave the federal government and current and prospective transgender military service members a week to lay out constitutional arguments on President Donald Trump's new policy allowing some transgender troops to openly serve, pushing back a previously

Sinclair Broadcast Group, Inc.
Synopsys Inc.
TBS International Limited
Tax Foundation
Texas Rangers
The DIRECTV Group, Inc.
Time Warner Inc.
Tribune Media Co.
Turner Broadcasting System Inc.
Twitch Interactive Inc.
Twitter Inc.
Union Bank
Washington Post Co.
YouTube Inc.

GOVERNMENT AGENCIES

Administration for Children and Families
Bureau of Citizenship and Immigration Services
California Department of Justice
Department of Commerce
European Union
Federal Aviation Administration
Federal Communications Commission
Financial Crimes Enforcement Network
Florida Attorney General's Office
Internal Revenue Service
International Trade Administration
NAFTA
National Indian Gaming Commission
National Security Agency
National Telecommunications and Information Administration
Navajo Nation
New York State Department of Financial Services

imminent ruling on an earlier version of the policy. [Read more »](#)

INTERNATIONAL TRADE

Canada Beefs Up Border Controls After New US Metal Tariffs

Canada rolled out new measures Tuesday aimed at blocking steel and aluminum from being diverted into the country due to its exemption from recently enacted U.S. tariffs on the metals. [Read more »](#)

TAX

IRS Plans To Limit Contracted Law Firms' Role In Audits

Private attorneys with whom the IRS contracts to aid in audits would no longer be allowed to review taxpayer information unless they possess expertise in foreign, state or local tax laws, according to a proposal the revenue agency issued on Tuesday. [Read more »](#)

IRS Nominee Rettig Discloses \$1.1M In Salary, Names Clients

Charles Rettig, President Donald Trump's nominee for IRS commissioner, said he received more than \$1.1 million in salary from his law firm and disclosed other sources of employment income and assets from companies including Berkshire Hathaway Inc., AT&T Inc. and Exxon Mobil Corp. in a financial report shared with Law360 on Tuesday. [Read more »](#)

China To Cut VAT Rates As Part Of Tax Overhaul

China will cut value-added tax rates for its manufacturing and transportation sectors as part of the country's overhaul to replace the business tax with the VAT, China's finance minister said. [Read more »](#)

Fax Machines Have Overstayed IRS Welcome, Lawmaker Says

Small Business Administration
U.S. Census Bureau
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. House Committee on Energy and Commerce
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Office of Government Ethics
U.S. Senate
U.S. Sentencing Commission
U.S. Supreme Court
Washington Attorney General's Office
Ysleta del Sur Pueblo

The Internal Revenue Service's urgently needed overhaul includes replacing its fleet of fax machines with updated information technology hardware, according to an op-ed article published Monday and written by the chairwoman of the House Ways and Means Oversight Subcommittee, which will consider legislation to revamp the agency. [Read more »](#)

NJ Assembly Amends Bill Expanding Biz-Friendly Zones

The New Jersey Assembly amended a bill Monday that seeks to extend the duration of the state's urban enterprise zone designations and resurrect the qualification for five municipalities whose designations expired on Jan. 1. [Read more »](#)

BANKRUPTCY

Puerto Rico Energy Regulator Seeks Injunction In PREPA Case

Fighting for what it believes is a mandatory role in the fiscal plan certification process of Puerto Rico's publicly owned electric utility, the territory's energy regulator argued to a New York federal judge on Tuesday that its oversight duties are being overrun in the island's restructuring proceedings. [Read more »](#)

IMMIGRATION

US Chips Away At S. Korean Car, Drug Barriers

The Trump administration confirmed Tuesday that it has wrapped up its talks with South Korea to amend their 2012 bilateral trade deal and offered new insights on the changes made to the deal's rules covering cars, environmental standards and drug reimbursements. [Read more »](#)

Immigration Bill Roundup: Child Custody, Census Questions

Members of the 115th Congress have introduced bills that would protect the rights of immigrants in child custody issues and bar citizenship questions from U.S. Census forms. [Read more »](#)

Calif. Sues Administration Over Census Citizenship Question

The U.S. Department of Commerce announced late Monday that it will reinstate a question on citizenship status in the 2020 census, inciting a legal challenge from the state of California arguing that it will cripple response rates. [Read more »](#)

DOJ Must Review Docs In FOIA Suit Over Immigration Appeals

An Illinois federal judge on Tuesday determined that the U.S. Department of Justice properly withheld documents related to decisions by previous attorneys general after an immigrants advocacy group sought copies of them, but held that the department may have erred in holding onto others from public view. [Read more »](#)

Trump Ends Work Permit Program For Some Liberians

President Donald Trump said Tuesday he would end a work authorization program known as Deferred Enforced Departure for a small group of Liberians, initiating a 12-month wind-down period before they will be obligated to leave the U.S. [Read more »](#)

NATIVE AMERICAN

HHS' \$7.3M Funding Cut To Navajo Nation Overturned

A D.C. federal judge on Tuesday overturned a \$7.3 million reduction in the government's funding for the Navajo Nation's early education programs, deciding that even though enrollment had dropped, the tribe wasn't

provided with the necessary due process options to fight the changes. [Read more »](#)

Tribe Can't Dodge Texas' Suit Over Bingo Machines

A Texas federal judge refused Monday to dismiss the Lone Star State's lawsuit accusing a Pueblo tribe of illegally operating electronic bingo machines, finding that the tribe didn't prove its activity was exempt from Texas' nuisance law. [Read more »](#)

TELECOMMUNICATIONS

NTIA Head Cheers Efforts To Free Up Spectrum For 5G

The head of the National Telecommunications and Information Administration on Tuesday touted the agency's efforts to identify underused spectrum with potential for wireless use, saying proposals to convert spectrum allocated for military radar systems and satellite TV could free up 750 megahertz for use by 5G networks. [Read more »](#)

House Dems Probe FCC Speeches At Right-Leaning CPAC

Democratic members of a key House panel in a letter Monday questioned the ethics of Republican Federal Communications Commission members attending the Conservative Political Action Conference last month, asking whether taxpayer dollars had been used to advocate conservative causes. [Read more »](#)

CIVIL RIGHTS

Fla. Ordered To Revamp Felon Voter Restoration System

A Florida federal judge on Tuesday ordered the governor to establish a new, uniform system for restoring voting rights to felons after finding that the current process, which gives the governor unfettered discretion, violates the

First and Fourteenth Amendments. [Read more »](#)

Ex-Student Says Univ. Botched Sex Assault Probe Against Him

A former Illinois State University student sued the school in Illinois federal court Tuesday, alleging ISU violated his due process rights when he was suspended from the school during an investigation of sexual assault allegations made against him that allegedly turned out not to be true. [Read more »](#)

EXPERT ANALYSIS

Complying With 2 New AML Rules As Deadlines Approach

Two landmark anti-money laundering rules — the federal beneficial ownership rule and New York's transaction monitoring rule — have compliance deadlines coming up in the next few weeks. A variety of events may impact a financial institution's ability to comply, says Walter Mix of Berkeley Research Group. [Read more »](#)

Regulation Of Sports Gambling Will Decide Esports' Fate

Esports is going to have a major impact on traditional sports, and the U.S. Supreme Court's upcoming sports gambling holding in *NCAA v. Christie* is going to have a major impact on esports, say Holland & Knight LLP attorney David Lisko and law student Viktor Lyusi. [Read more »](#)

To Hold Or Not To Hold: S Corps And The Carried Interest Rule

Without an amendment to what is widely believed to be a drafting error in the Tax Cuts and Jobs Act, there may be a strong argument that the new regulations implementing IRC Section 1061 are invalid. Taxpayers evaluating whether to hold carried interests through an S corporation need to assess whether the potential benefit justifies the time and expense

of countering an IRS challenge, say Elizabeth McGinley and Steven Lorch of Bracewell LLP. [Read more »](#)

Changes For Youth Football In California And Beyond

Two California legislators recently announced a bill designed to prevent brain injuries during youth football games by restricting tackle football programs to the high school level. Organizations with youth football programs should anticipate that jurisdictions throughout the country will begin advancing similar restrictions, say Anne Marie Ellis and Paul Alarcon of Buchalter PC. [Read more »](#)

Equity Partnership Isn't What It Used To Be

To many young attorneys, becoming an equity partner shows a firm's long-term commitment, meaning job security and a voice in important firm matters. However, the industry has changed and nowadays it may not be better to enter a new firm as an equity partner, says Jeffrey Liebster of Major Lindsey & Africa. [Read more »](#)

LEGAL INDUSTRY

Feature

What Law Firms Stand To Lose In The #MeToo Era

There is a reckoning coming for firms that continue to sweep sexual misconduct under the rug, experts say. Editor's note: final of a three-part series. [Read more »](#)

Punk Rock Ob-Gyn Gives Juror CPR, Gets Med Mal Mistrial

Facing the first day of a medical malpractice trial on Tuesday, a San Jose obstetrician-gynecologist who once drummed for The Offspring proved his punk rock bona fides rushing to the aid of a prospective juror in cardiac arrest, delivering CPR but forcing a

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Sent: Tuesday, April 3, 2018 4:03 AM
To: Rep48
Subject: EPA Must Meet 2021 Deadline For Risk Reviews



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Tuesday, April 3, 2018



TOP NEWS

EPA Must Meet 2021 Deadline For Risk Reviews

A D.C. district judge on Saturday said the U.S. Environmental Protection Agency has to hustle to update air emission requirements for nine sources of pollutants, saying that the agency must find a way to allocate resources for the already overdue Clean Air Act reviews by 2021. [Read more »](#)

EPA Rejects Obama Auto Emissions Standards

The U.S. Environmental Protection Agency said Monday it plans to revise Obama-era greenhouse gas emissions standards for 2022- to 2025-model cars and light trucks, a victory for automakers that said the requirements would be too tough to meet. [Read more »](#)

Mulvaney Calls On Congress To Curb CFPB's Independence

Consumer Financial Protection Bureau Acting Director Mick Mulvaney on Monday urged



[Listen to our new podcast here](#)

LAW FIRMS

Allen & Overy

Arnold & Porter

Beveridge & Diamond

Congress to rein in the independence of the agency he leads, calling it "far too powerful" and pushing for Dodd-Frank Act changes that he says would make the agency more accountable. [Read more »](#)

Feature

Shulkin's VA Exit Opens Up Privatization, Legal Fights

Former Veterans Affairs Secretary David Shulkin's termination has exposed an internal struggle over the potential privatization of VA health care, putting tens of billions of dollars in federal spending and assets at stake, as well as opening up a potential legal battle over his immediate successor. [Read more »](#)

Analysis

'Radical Change' In Auto Technology Threatens Tax Base

High tech advances in the automotive sector, including increased fuel efficiency, better batteries and driverless cars, will bring "radical change" and a level of societal disruption not seen in 100 years, experts say, including threats to traditional taxation and fiscal funding. [Read more ½ B](#)

Feature

Here's The Latest On FCC Plans To Put More Spectrum In Use

The Federal Communications Commission has set an aggressive agenda to shoehorn more services into the public airwaves, teeing up inquiries into how more than a dozen spectrum bands can be used more broadly and considering new auctions and shared applications. [Read more »](#)

BANKING & SECURITIES

No Secrets Means No Medicare Insider Trading, Jury Hears

A federal worker, a consultant and two investment pros formed a "corrupt tipping chain" for insider trades tied to Medicare and Medicaid payments, prosecutors told a

Caplin & Drysdale
Covington & Burling
Cravath Swaine
Cullen Law Firm
Davis & Davis PC
Duane Morris
Earthjustice
Fletcher Heald
Foley & Lardner
Foley Hoag
Gibson Dunn
Goodwin
Gupta Wessler
Hawke McKeon
Hogan Lovells
Hunton & Williams
Husch Blackwell
Jones Day
Kramer Levin
Latham & Watkins
Mayall Hurley
Morrison & Foerster
Motley Rice
Nelson Mullins
O'Melveny & Myers
Redgrave LLP
Shearman & Sterling
Sidley Austin
Stearns Weaver
Steptoe & Johnson LLP
Todd & Weld
Weiss Serota

COMPANIES

AT&T Inc.
Accenture plc
AcelRx Pharmaceuticals Inc.
Alliance of Automobile Manufacturers

Manhattan jury on Monday, but the defendants called the case a nonstarter, saying information that moved along the chain was far from secret. [Read more »](#)

ENERGY & ENVIRONMENTAL

DC Circ. Won't Review 'Moot' Challenge Of Rail Car Fees

The D.C. Circuit told a petroleum industry group Monday that it would not review its petition to strike down a surcharge on older-model fuel rail cars, saying a phaseout of the rail cars at issue has already been completed, thus rendering the case moot. [Read more »](#)

Mass. High Court To Hear Electric Emissions Cap Challenge

Massachusetts' top court said Monday it would hear arguments in May from electricity generators across the Northeast that challenged a state plan requiring them to incrementally reduce greenhouse gas emissions over the next three decades. [Read more »](#)

DC, Maryland Must Rethink Anacostia River Trash Control

A D.C. federal judge on Friday sided with the Natural Resources Defense Council in its lawsuit challenging the U.S. Environmental Protection Agency's approval of the District of Columbia and Maryland's plan for a total maximum daily load for trash pollution in the Anacostia River. [Read more »](#)

DC Circ. Weighs EPA Rule Limiting Appeals Court Decisions

Industry representatives Monday faced intense questioning from a D.C. Circuit panel that voiced skepticism regarding their challenge to a U.S. Environmental Protection Agency rule that restricts the effects of a federal appeals court's decision on a nationally applicable

American Bar Association
American Civil Liberties Union
American Enterprise Institute
American Fuel & Petrochemical Manufacturers
American Petroleum Institute Inc.
BNSF Railway
BP p.l.c.
BlackBerry Ltd.
Cable News Network Inc.
Cognizant Technology Solutions Corp.
Comcast Corporation
Competitive Carriers Association
ConocoPhillips
DTE Energy Co.
Deerfield Management Co. LP
Dominion Energy Inc.
Equifax Inc.
Exxon Mobil Corporation
Facebook
Faculty Athletics Representatives Association
Fannie Mae
FiberTower Corporation
Freddie Mac
Global Automakers
Google Inc.
Home Box Office Inc.
Hulu LLC
Lambda Legal Defense & Educational Fund
Lyft Inc.
Mars Inc.
Massachusetts Bar Association
McKesson Corp.
Merck & Co Inc.
Miramax Film Corp.
NBCUniversal Inc.

regulation to that court's jurisdiction. Read more »

Energy Cos. To Tell Pension Fund About Paris Accord Risks

Dominion Energy, Southwestern Energy and DTE Energy will divulge how the landmark Paris climate accord's goal of curbing global warming will have an impact on business, prompting the New York State Common Retirement Fund to yank requests that they clue in investors, New York State Comptroller Thomas P. DiNapoli announced Monday. Read more »

HEALTH & LIFE SCIENCES

High Court Keeps Ban On Anti-Abortion Videos In Place

The U.S. Supreme Court on Monday declined to overturn an injunction barring the publication of secretly recorded videos that an anti-abortion group taped at annual meetings of the National Abortion Federation. Read more »

TRANSPORTATION & INFRASTRUCTURE

Truckers Want Pa. Turnpike's Toll Spending Paused

A set of trade groups and trucking companies behind a putative class action that says Pennsylvania's "excessive" highway tolls violate the U.S. Constitution urged a federal judge Monday to place an injunction on the spending of toll proceeds for nonhighway projects. Read more »

COMPETITION

FTC Names Former Official As New Acting GC

The Federal Trade Commission on Monday named Alden F. Abbott as its new acting general counsel, a former official for the agency who most recently served as a deputy

NRG Energy Inc.
National Association of Manufacturers
National Consumer Law Center
National Veterans Legal Services Program
Natural Resources Defense Council
Netflix Inc.
New York Times Co.
Northeastern University
Planned Parenthood Federation
QUALCOMM Incorporated
Royal Dutch Shell PLC
SLM Corporation
Sierra Club
Sony Pictures Entertainment Inc.
Southwestern Energy Co.
Straight Path Communications Inc.
Symetra Financial Corporation
T-Mobile USA Inc.
TBS International Limited
Tata Consultancy Services Ltd.
The DIRECTV Group, Inc.
The State University of New York
Tribune Media Co.
Turner Broadcasting System Inc.
Uber Technologies Inc.
United Parcel Service Inc.
Verizon Communications
Wells Fargo & Co.
YouTube Inc.
eBay Inc.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
Central Intelligence Agency
Consumer Financial Protection Bureau

director at the conservative think tank The Heritage Foundation. [Read more »](#)

DOJ Says Time Warner Unit Tactics Show AT&T Merger Risks

The U.S. Department of Justice on Monday used a former top Turner Broadcasting negotiator to illustrate the lengths to which Time Warner might go, if acquired by AT&T, to leverage its content for higher carriage rates from pay-TV providers. [Read more »](#)

CYBERSECURITY & PRIVACY

Researchers' Challenge To Anti-Hacking Law Kept Alive

A D.C. federal judge has kept alive a claim by a group of university professors and journalists that a federal anti-hacking law unconstitutionally bars their research into whether hiring websites that use online algorithms discriminate against job applicants. [Read more »](#)

AEROSPACE & DEFENSE

Air Force To Trim Airmen Rules, Improve Acquisition Process

The Air Force has moved to trim unnecessary policies and instructions for airmen and improve its acquisition processes as part of a broad ongoing policy overhaul, Air Force Secretary Heather Wilson said Friday. [Read more »](#)

INTERNATIONAL TRADE

China Whacks \$3B Of US Goods With New Tariffs

The Chinese government enacted new tariffs covering nearly \$3 billion worth of U.S. exports Monday, targeting pork, fruits, wines, pipes and various other products, escalating an acrimonious trade battle that began with U.S.

Department of Commerce
Equal Employment Opportunity Commission
European Central Bank
European Union
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Reserve System
Federal Trade Commission
Federal Transit Administration
Financial Crimes Enforcement Network
Financial Stability Oversight Council
Food and Drug Administration
House of Commons of the United Kingdom
Internal Revenue Service
Maryland Department of the Environment
Massachusetts Department of Environmental Protection
NAFTA
National Highway Traffic Safety Administration
National Telecommunications and Information Administration
New York State Comptroller
Office of the Comptroller of the Currency
Pennsylvania Department of Transportation
Port Authority of New York & New Jersey
Securities and Exchange Commission
Surface Transportation Board
U.S. Attorney's Office

duties on steel and aluminum imports. [Read more »](#)

Trump Threatens To Leave NAFTA, Says DACA Deal Is Off

President Donald Trump on Sunday threatened to back out of the North American Free Trade Agreement with Mexico over its failure to stem unauthorized border crossings, and said a deal on a legislative replacement to the Deferred Action for Childhood Arrivals program was off. [Read more »](#)

Hatch Open To Extending Trade Law, With Conditions

Senate Finance Committee Chairman Orrin Hatch, R-Utah, on Friday said that although he is open to extending the crucial Trade Promotion Authority law before July 1, he will need certain assurances that the Trump administration is committed to a true trade liberalization agenda. [Read more »](#)

TAX

High Court Won't Hear Sen. Paul, Republicans' FATCA Suit

The U.S. Supreme Court on Monday declined to take up a challenge to the Foreign Account Tax Compliance Act led by Sen. Rand Paul, R-Ky., and American expatriates, who had argued the international tax collection law's intergovernmental agreements, reporting requirements and penalties violated constitutional provisions. [Read more »](#)

Interim IRS Guidance Covers Tax Withholding In Partner Sales

The Internal Revenue Service released interim guidance on Monday to enact a portion of the new federal tax law requiring a withholding tax on transfers of nonpublicly traded partnership interests held by foreign individuals or corporations. [Read more »](#)

U.S. Customs and Border Protection

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Transportation

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Senate

U.S. Sentencing Commission

U.S. Supreme Court

United States Court of Appeals for the Third Circuit

World Trade Organization

UK Registering Non-EU Seller Warehouses In VAT Fraud Fight

The U.K. tax authority on Sunday began the process of registering domestic warehouse businesses that distribute goods for online sellers based outside the European Union, to ensure those sellers properly assess value-added tax on their U.K. customers' purchases. [Read more »](#)

GWB Scandal Figure Misreads High Court Ruling, Feds Say

A U.S. Supreme Court opinion limiting a tax statute's scope does not support the narrow reading of an anti-fraud statute sought by a former public official challenging her conviction for reducing local access lanes to the George Washington Bridge in an act of political revenge, the federal government has argued. [Read more »](#)

CPA Group Asks Treasury For Clarity On Biz Meal Deductions

The American Institute of Certified Public Accountants asked the U.S. Department of the Treasury on Monday to come up with a process to help employers in the restaurant and food service industry comply with the new federal tax law's restrictions on tax deductions for employer-provided business meals. [Read more »](#)

Preparers Slam IRS Bid At DC Circ. To Revive \$37.6M In Fees

A group of tax preparers on Monday urged the D.C. Circuit to uphold a federal court decision that found the IRS lacked the authority to charge \$37.6 million in fees to issue and renew preparer tax identification numbers, arguing in an appellee brief the agency still had not offered any legitimate reason for doing so. [Read more »](#)

BANKRUPTCY

Puerto Rico Gov. Rejects Oversight Board's New Budget Cuts

The Governor of Puerto Rico is refusing to meet demands by the commonwealth's federal overseers for harsher austerity measures, potentially setting up a showdown between the on-again, off-again allies in the troubled island's restructuring process. [Read more »](#)

IMMIGRATION

Guam Businesses Secure Class Cert. In H-2B Visa Suit

A Guam federal judge on Saturday certified a class of businesses in the U.S. territory that allege the federal government unfairly denied their H-2B temporary worker visa petitions, rejecting arguments by the government that the employers lacked standing because the time to get relief had passed. [Read more »](#)

USCIS To Run Pilot Program For Canadian L-1 Visa Review

U.S. Citizenship and Immigration Services plans to conduct a pilot study in Washington state for adjudicating L-1 visas for Canadian executives or managers seeking to enter the United States on a temporary basis under the North American Free Trade Agreement, the agency announced Friday. [Read more »](#)

TELECOMMUNICATIONS

FCC Nixes CCA Bid To Halt Verizon's Straight Path Purchase

The Federal Communications Commission denied a wireless carriers trade group's request to freeze Verizon's \$3.1 billion acquisition of 5G-primed spectrum from spectrum aggregator Straight Path Communications until a more formal review is completed. [Read more »](#)

Sinclair Script Video Sparks Outrage In Policy Circles

A video of local news anchors reading identical scripts on Sinclair Broadcasting Group-owned TV stations went viral over the weekend, prompting fierce opposition from Democrats and policy organizations that say it underscores why the FCC shouldn't approve the company's proposed takeover of Tribune Media Co. [Read more »](#)

CIVIL RIGHTS

Fla. Cities Challenge State Gun Safety Law Preemption

Ten South Florida municipalities launched a challenge Monday to state law that bars local governments from enacting gun safety laws deemed stricter than the state's, saying accompanying penalties against officials are onerous and unconstitutional. [Read more »](#)

WHITE COLLAR

Defense Atty, Mass. Bar Pan DQ Bid In Corruption Case

Boston attorney Howard Cooper of Todd & Weld LLP and the Massachusetts Bar Association on Monday assailed federal prosecutors who claim Cooper is too ensnared in former Democratic state Sen. Brian Joyce's alleged fraud and racketeering activity to represent him at trial, saying the request for disqualification flies in the face of constitutional law. [Read more »](#)

PEOPLE

Husch Blackwell Adds 14 From Gardere Wynne In Texas

Husch Blackwell LLP added 14 lawyers — including eight partners — to its Texas offices Monday, tapping attorneys who left Gardere Wynne Sewell LLP amid its merger with Foley & Lardner LLP. [Read more »](#)

EXPERT ANALYSIS

Mueller's Innovative Use Of Money Laundering Statute

The U.S. special counsel, Robert Mueller, has shown a willingness to use the money laundering statute in unique ways to further the investigation into links between the Trump campaign and the Russian government, say Solomon Wisenberg and Graham Billings of Nelson Mullins Riley & Scarborough LLP.

[Read more »](#)

How Senate Bill Would Change Compliance For Midsize Banks

The U.S. Senate last month passed the Economic Growth, Regulatory Relief, and Consumer Protection Act, which makes modest reforms to the Dodd-Frank Act. Here, attorneys with Arnold & Porter Kaye Scholer LLP look at the bill's notable provisions for community and midsize banks and the prospects for enactment. [Read more »](#)

Key Takeaways From The NY Buy American Act

The New York Buy American Act, which went into effect on Sunday, is slated for a relatively short life and is fairly focused. But it is a noteworthy development because it further reinforces the general rallying cry behind "buy American," say attorneys with Covington & Burling LLP. [Read more »](#)

Opinion

TCJA Replaced The 1986 Tax Act, But Is It Tax Reform?

The Tax Cuts and Jobs Act upended both the objectives and specific provisions of the Tax Act of 1986, but the question remains, can it achieve its stated goals? It is unclear whether promised efficiency gains will be realized and unlikely that, on the whole, its changes will result in meaningful, lasting reform, says Harvey Galper, visiting fellow at the Tax Policy Center in Washington, D.C. [Read more »](#)

Opinion

Rum, Cannabis And The 4th Amendment: A History Lesson

U.S. Attorney General Jeff Sessions recently made his first move against legal marijuana by reversing the U.S. Justice Department's policy of not enforcing federal cannabis laws in states that had legalized it. Sessions might be wise to study how a crackdown on contraband rum helped incite the American Revolution and influenced the U.S. Constitution, says Collin Wedel of Sidley Austin LLP. [Read more »](#)

LEGAL INDUSTRY

Feature

How Law Firms Can Combat Sexual Harassment

A newly updated handbook from the American Bar Association offers a guide for law firms on how to prevent sexual harassment in the workplace and properly address it when it happens. Here, Law360 takes a deep dive into how firms can fight harassment. [Read more »](#)

Courts Improperly Spent \$200M In PACER Fees, Judge Rules

A Washington, D.C., federal judge on Saturday granted a partial win for PACER users, finding that the judiciary inappropriately used almost \$200 million in fees collected via the online federal courts documents portal from 2010 to 2016 to fund other projects, in breach of federal law. [Read more »](#)

Feature

15 Minutes With Accenture's General Counsel

Chad Jerdee joined Accenture as a senior counsel two decades ago and has moved up the ranks over the years, serving as its general counsel and chief compliance officer since 2015. Here, Jerdee shares his thoughts with Law360 on the changing roles of in-house and outside counsel, his effort to shrink the number of law firms his organization uses, and his

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Friday, April 6, 2018



TOP NEWS

Analysis

Hong Kong Aims To Grab Bigger Share Of Global Listings

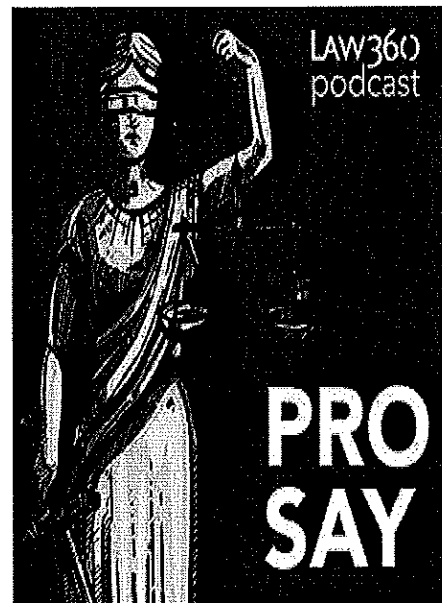
The Hong Kong Stock Exchange's long-awaited overhauls that would ease listing rules for prerevenue companies and those with uneven voting structures are likely to help the region draw firms that would otherwise flee to the U.S. or elsewhere, experts say. Read more »

Analysis

Autonomous Car Regs In Murky Territory After Crashes

As investigators piece together what caused a pair of fatal Uber and Tesla self-driving car accidents last month, industry observers say it's increasingly difficult to gauge whether federal or state regulators will tighten the screws on autonomous car testing. Read more »

SEC Says \$15B Disgorgement Suit Misinterprets Kokesh



Listen to our new podcast here

LAW FIRMS

Alston & Bird

Archer & Greiner

Baker McKenzie

The U.S. Securities and Exchange Commission told a Massachusetts federal judge on Wednesday that a liquidation trustee's lawsuit seeking almost \$15 billion in allegedly ill-gotten disgorgements not only fails to state a claim, but misapplies the U.S. Supreme Court's recent Kokesch decision on which the suit is based. [Read more »](#)

States Sue EPA For Stalling On Methane Regulations

Attorneys general and corporation counsel from 14 states and two cities on Thursday urged a D.C. federal judge to force the U.S. Environmental Protection Agency to clamp down on methane emissions from existing oil and gas infrastructure, saying the agency has shirked its legal duty to craft the standards. [Read more »](#)

Trump Floats New Tariffs As US-China IP Scrap Intensifies

The acrimonious dispute between the U.S. and China over Beijing's intellectual property regime approached a fever pitch Thursday as the Trump administration responded to Chinese threats of retaliation with a vow to impose more tariffs on an additional \$100 billion worth of Chinese imports. [Read more »](#)

Panama Sharing Foreign Account Tax Data With 28 Countries

Panama has started automatically providing data about foreign owners of financial accounts to 28 other countries in the Organization for Economic Cooperation and Development's tax information-sharing system, the OECD announced Thursday while updating how the system's reporting standards should be implemented. [Read more »](#)

BANKING & SECURITIES

SEC Launches Deliberations On New Plan For Bitcoin ETFs

Ballou Stoll
Barnes & Thornburg
Becker & Poliakoff
Blank Rome
Boies Schiller
Brown Rudnick
Bryan Cave
Cantey Hanger
Capshaw DeRieux
Connell Foley
Cooley
Cotsirilos Tighe
Cravath Swaine
DLA Piper
Day Pitney
Dorsey & Whitney
Drinker Biddle
Eastern Environmental Law Center
Foley & Lardner
Gibson Dunn
Gupta Wessler
Haynes and Boone
Hogan Lovells
Holland & Knight
Horvitz & Levy
Jones Day
King & Spalding
Kirkland & Ellis
Klinedinst
Knobbe Martens
LeClairRyan
LegalForce RAPC Worldwide
Littler Mendelson
Marashlian & Donahue
McDermott Will
McKirdy & Riskin
Motley Rice
Munger Tolles

The U.S. Securities and Exchange Commission said Thursday it will begin proceedings to determine whether to allow Chicago Board Options Exchange Inc. to launch bitcoin exchange-traded funds, mirroring a move it made last month with the New York Stock Exchange that could delay a final decision on the issue for months. [Read more »](#)

Longtime DOJ Prosecutor To Head SEC's Chicago Office

The U.S. Securities and Exchange Commission announced Thursday that 25-year Justice Department veteran Joel R. Levin has been named director of the agency's regional office in Chicago and will take over the role next month. [Read more »](#)

ENERGY & ENVIRONMENTAL

PennEast Needs NJ Land For \$1B Pipeline, Judge Told

PennEast Pipeline Co. LLC on Thursday told a federal judge that it needs immediate access to more than 100 New Jersey properties along the course of its planned \$1 billion natural gas pipeline or else it won't be able to complete time-sensitive environmental assessments needed to meet regulatory deadlines for the project. [Read more »](#)

EMPLOYMENT

FDIC Applicant Can't Fight Obama-Era Federal Hiring Program

The Second Circuit on Thursday affirmed dismissal of an age discrimination suit challenging an Obama administration initiative aimed at bringing younger workers into the federal workforce, saying the program wasn't in effect when the applicant behind the suit was denied a job at 41. [Read more »](#)

COMPETITION

Nelson Mullins
O'Melveny & Myers
Paul Weiss
Perkins Coie
Reed Smith
Shearman & Sterling
Sidley Austin
Snell & Wilmer
Squire Patton Boggs
Stark & Stark
Thompson Hine
White & Case
Williams & Connolly
Williams Mullen

COMPANIES

AT&T Inc.
Alibaba Group Holdings Ltd.
American Civil Liberties Union
American College of Trial Lawyers
American Medical Association Inc.
Apple Inc.
BeiGene Ltd.
Brooklyn Defender Services
C. R. Bard, Inc.
CBOE Holdings Inc.
CITGO Petroleum Corp.
CTIA
Comcast Corporation
Competitive Carriers Association
Conservation Law Foundation
DISH Network Corporation
Exxon Mobil Corporation
F-Squared Investment Management LLC
Halyard Health Inc.
Hong Kong Exchanges and Clearing

AT&T's Own Words Used Against It In DOJ Merger Challenge

The U.S. Department of Justice confronted AT&T executives with their own words in D.C. federal court on Thursday to illustrate the alleged underlying motives behind the proposed Time Warner merger, including one exchange deriding programmers licensing content to online distributors as "short-sighted whores" undermining traditional pay-TV providers. [Read more »](#)

AEROSPACE & DEFENSE

DOD Transgender Policy Not 'Medically Valid,' AMA Says

There is no "medically valid" reason to exclude transgender people from the military, the American Medical Association said in a letter released Wednesday, hitting back at Defense Secretary James Mattis' reasoning underlying President Donald Trump's partial ban on transgender troops. [Read more »](#)

White House Says Trump Won't Interfere With DOD Cloud Deal

President Donald Trump will not intervene in the U.S. Department of Defense's contentious multibillion-dollar cloud contract, in which Amazon, the subject of heavy recent criticism from the president, is seen as the front-runner, the White House said Wednesday. [Read more »](#)

FCC Regimen Could Help Prevent False Alerts, Official Says

FCC Commissioner Jessica Rosenworcel suggested Thursday that the agency should use some of its built-in reporting processes to encourage states to sharpen their emergency communications plans in the aftermath of a rogue alert sent by a misguided Hawaii state employee earlier this year. [Read more »](#)

INTERNATIONAL TRADE

International Business Machines Corporation

Johnson & Johnson

Kimberly-Clark Corporation

LegalZoom.com Inc.

Lockheed Martin

Microsoft Corporation

MillerCoors LLC

NASDAQ OMX Group Inc.

NBCUniversal Inc.

NVIDIA Corporation

National Consumer Law Center

Oracle Corp.

Ping An Insurance

PricewaterhouseCoopers

QUALCOMM Incorporated

SAIC Inc.

Snap Inc.

Tax Foundation

The Boeing Company

The DIRECTV Group, Inc.

The Land Trust Alliance Inc.

Time Warner Inc.

Toyota Motor Corporation

Turner Broadcasting System Inc.

Uber Technologies Inc.

Verizon Communications

Washington Metropolitan Area Transit Authority

Washington Post Co.

Wayfair LLC

Whirlpool Corporation

Yale University

GOVERNMENT AGENCIES

Department of Commerce

European Union

Federal Bureau of Investigation

CIT Gives Early Blessing To Trump's 25% Steel Tariff

The U.S. Court of International Trade on Thursday indicated that the Trump administration was within its rights to impose a 25 percent tariff on imported steel for national security reasons, citing the broad wording of the Cold War-era statute that gave rise to the levy. [Read more »](#)

Trump Not Expected To Tackle NAFTA At Upcoming Summit

Despite President Donald Trump's recent threats to back out of the North American Free Trade Agreement, further talks on the newly controversial trade deal are unlikely to happen during an upcoming regional summit in Peru, senior administration officials said on Thursday. [Read more »](#)

TAX

Analysis

County's Use Of Gross Receipts Tax Sinks Its Cert Quest

The type of tax — a gross receipts tax — used by a Virginia county to levy tax on a duty-free shop at Dulles International Airport likely played a pivotal role in the U.S. Supreme Court's decision to pass up a case in which the county argued its tax applied even on the sales of duty-free goods to passengers traveling outside the United States, experts told [Law360](#). [Read more »](#)

NJ Panel Advances SALT Cap Workaround To Full Assembly

The New Jersey Assembly Appropriations Committee advanced a bill Thursday that would provide property tax credits to taxpayers making certain qualified charitable donations, an effort to counter the federal tax reform, which limits the federal state and local tax deduction to \$10,000. [Read more »](#)

Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Emergency Management Agency
Federal Energy Regulatory Commission
Federal Trade Commission
Financial Conduct Authority
Food and Drug Administration
Internal Revenue Service
NAFTA
National Highway Traffic Safety Administration
National Oceanic and Atmospheric Administration
Navajo Nation
New Jersey Department of Environmental Protection
New Jersey Legislature
New York Attorney General's Office
Office of the U.S. Trade Representative
Port Authority of New York & New Jersey
Securities and Exchange Commission
Solicitors Regulation Authority
U.S. Attorney's Office
U.S. Census Bureau
U.S. Department of Defense
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. Postal Service
U.S. Supreme Court

NJ Gov. Sends Prepaid Property Tax Bill Back For Changes

New Jersey Gov. Phil Murphy issued a conditional veto Thursday and recommended changes to a bill that would allow taxpayers to make dedicated prepayments toward anticipated property taxes and allow homeowners to prepay any quarterly property tax installment before the issuance of the tax assessment. [Read more »](#)

IMMIGRATION

Groups Sue Over Trump Action On Immigrant Bond Hearings

The New York Civil Liberties Union and other organizations filed a class action in New York federal court Wednesday challenging the Trump administration's decision to stop providing bond hearings to certain immigrants held in mandatory detention for six months. [Read more »](#)

California Is Missing Piece In Trump's National Guard Plan

President Donald Trump needs the support of border governors to deploy the National Guard in combating unauthorized immigration, but California has yet to fall in with the other states, which have embraced the plan. [Read more »](#)

Dems Request Info On Adding Citizenship Question To Census

Democrats on the House Oversight and Government Reform Committee asked the Trump administration on Wednesday to turn over documents outlining how it reached its decision to add a citizenship question to the 2020 census. [Read more »](#)

NATIVE AMERICAN

Navajo Nation Sues DOI For Full 2018 Judicial Funding

The Navajo Nation sued the U.S. Department of the Interior on Thursday seeking the full \$17 million it requested for judiciary funding for 2018, saying the federal government's decision to only pay part of the sum flouted the Indian Self-Determination and Education Assistance Act. [Read more »](#)

TELECOMMUNICATIONS

Feature

Top 4 Groups Lobbying The FCC

During the month of March, conversation at the Federal Communications Commission continued to revolve around barriers to infrastructure deployment as industry groups urged the agency to exempt small cells from certain environmental and historic review processes. Here, Law360 looks at the top organizations lobbying the FCC in the past month. [Read more »](#)

Former FTC Chair Opposes Mass. Net Neutrality Bill

A former Federal Trade Commission chair under the Obama administration, who now co-chairs a lobby group funded by telecom giants, has testified against a state net neutrality bill to Massachusetts lawmakers, arguing it would be preempted and that a federal solution is needed. [Read more »](#)

WHITE COLLAR

Judge Stands Firm On Sanctions In Hastert Whistleblower Suit

An Illinois federal judge on Thursday declined to reconsider sanctions he ordered against a whistleblower and his lawyers who filed a since-tossed qui tam suit against former U.S. House Speaker Dennis Hastert over alleged government fund misuse, saying the penalties are "harmonious with procedural and substantive requirements." [Read more = 2](#)

EXPERT ANALYSIS

How Florida Affirmed Fiduciaries' Lawyer-Client Privilege

The lawyer-client privilege is a cornerstone of the American legal system. But until recently, there was significant doubt in Florida as to whether communications between a lawyer and a fiduciary client could be kept confidential from a beneficiary seeking to compel the production of those communications, say Paul Marino and Jay Kauffman of Day Pitney LLP. [Read more »](#)

What To Expect From China's Antitrust Consolidation

China is concentrating all antitrust regulation and enforcement in one agency — one of the most significant changes since the Anti-Monopoly Law came into force 10 years ago. The consolidation has the potential for both positive and negative implications, say attorneys with White & Case LLP. [Read more »](#)

Why High Court Ruling Matters For Compact Clause Entities

The U.S. Supreme Court recently held that the United States could maintain a suit to enforce terms of an interstate compact — even where it was not a signatory of the compact. This decision offers clues about how the high court might deal with issues of compact construction that have gone unresolved for some time, says Matthew Tripolitsiotis of Boies Schiller Flexner LLP. [Read more »](#)

LEGAL INDUSTRY

Feature

Why Selling Products May Be The Future For Law Firms

Many law firms that simply offer legal services may be missing out on the opportunity to grow larger faster, and bring in more revenue with less manpower, by failing to turn

at least some of their expertise and knowledge into products. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Gibson Dunn & Crutcher LLP snagged this week's top legal lions spot after it helped secure the reversal of a \$35 million malpractice verdict against Holland & Knight LLP, while Kirkland & Ellis LLP ended up a legal lamb after a jury slammed client Johnson & Johnson with \$37 million in damages over claims its talcum powder contained asbestos. [Read more »](#)

UK Regulator Threatens Action Over Lawyers' PPI Fees

The regulator for solicitors in England and Wales issued a second warning to the legal industry on Thursday over the fees firms charge for payment protection insurance claims, cautioning that it might take action if it thought solicitors were acting unfairly. [Read more »](#)

TM Co. Wants Sanctions Over Witness Tampering Claims

The law firm behind a series of lawsuits against online trademark registration services was hit with a bid for sanctions Wednesday after using a job candidate's interview statements in a complaint and then accusing the candidate's mentor of witness tampering, according to a motion filed in California federal court. [Read more »](#)

JOBS

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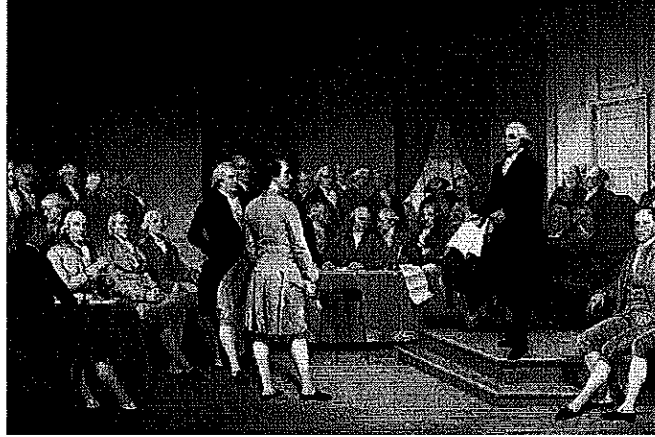
Learn what the Founders intended our federal government to really be versus what it has become and learn how we need to fix it !

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Building Blocks For Liberty

Education on the US Constitution

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A



Constitution Boot Camp XLIII in Northern Kentucky

On Saturday, April 28th, we are holding our 43rd Constitution Boot Camp. If you haven't attended a Boot Camp, please consider coming.

The Constitution is the rule book for how the federal government is supposed to operate, do you understand it ?

If you don't understand the Constitution, how do you know if the feds are doing what is allowed by the Constitution or not ?

Be honest with yourself, if you haven't ever studied the Constitution, this class is for you !

Here are the logistics:

When: Saturday, APRIL
28, 2018

Where: PeeWee's Place
2325 Anderson
Road
Crescent Springs,
KY 41017



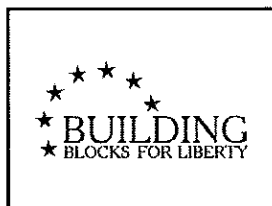
Lunch will be provided.

See [MAP](#)

To register email Jim Lewis with the names, emails and number of book sets needed.

[Click Here To Register](#)

We look forward to hearing from you.



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You can submit your testimonial to:

Email Jim Lewis

Thank you !

**Would You Like
To Be Part of
BBFL ?**

**We Are Starting
To Grow And We
Need Help !**

Here at BBFL we are an ALL-VOLUNTEER group. Starting out hasn't been to bad, but we are now starting to grow and we need help.

In February we received 501c3 approval from the IRS and so now we need to keep up with both State and federal filings. We also need to manage our income and expense records in our accounting software package.



We need help on our website, keeping it current and topical.

We need help with Social Media. We need to manage our contacts and send emails out like this one and others that are just educational.

We need help reaching out to Home School groups, other private educational institutions and Churches to set up Boot Camps and lectures.

We need help replicating and packaging our Constitution Boot Camps on DVDs.

You get the point, we need some help !

You can look at our website (which is new) at:

www.buildingblocksforliberty.org

The time commitment will vary with the job you do. With any job you would select, more time will be required initially when you are learning your job.

We are looking for people who understand the importance of what we are doing and trying to do. We are not asking you to ignore everything else, but to just put this in it's proper place of importance. We believe God and family come first.

If you are truly interested in helping contact me, tell me about yourself and what you would like to do:

Jim Lewis

I look forward to hearing from you.

Yours in Liberty,

Jim Lewis
Chairman, BBFL

BBFL

For more information on
Building Blocks for
Liberty, click on the
button below !



**BBFL
Website**

**"Every government degenerates when
trusted to the rulers of the people alone.
The people themselves, therefore, are its
only safe depositories."**

~Thomas Jefferson

BBFL | jim@buildingblocksforliberty.org |
www.buildingblocksforliberty.org

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= A

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Wednesday, April 11, 2018



TOP NEWS

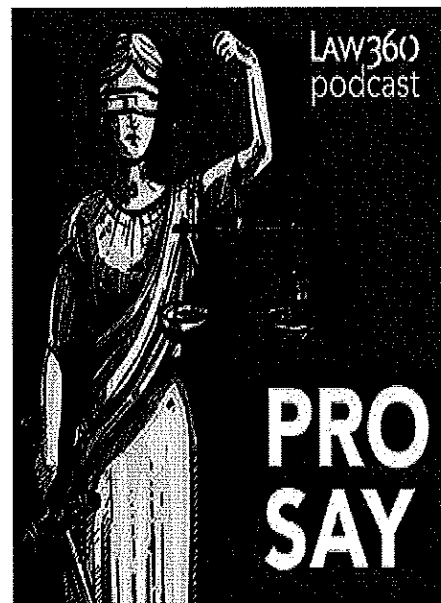
Trump Nominates Judges For 3rd, 11th Circuits

President Donald Trump announced his latest wave of judicial nominees Tuesday, choosing a lawyer with Buchanan Ingersoll & Rooney PC for the Third Circuit, a Georgia Supreme Court judge for the 11th Circuit and a partner at Covington & Burling LLP to the U.S. Tax Court. [Read more »](#)

Ex-Christie Atty Called Back To 3rd Circ. Roots

The career of onetime Third Circuit judicial clerk Paul B. Matey, who has since made his mark on New Jersey's legal scene as former Gov. Chris Christie's counsel and a hospital executive, is coming full circle with his nomination to the federal appellate bench Tuesday. [Read more »](#)

Senate Confirms Frost Brown Partner For Ky. Judgeship



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LAW FIRMS

Alston & Bird
Arnold & Porter
Babst Calland

The Senate confirmed President Donald Trump's nominee for a dual post to two Kentucky judicial districts on Tuesday, marking the 29th judge to be confirmed since the start of his presidency. [Read more »](#)

Analysis

Gray Area In 9th Circ. Pay Ruling Has Some Experts Puzzled

The Ninth Circuit's decision Monday that employers cannot use workers' salary histories to excuse paying women less than men sent a clear signal that businesses with pay gaps between the sexes may be inviting legal jeopardy, but the blockbuster ruling included a seeming contradiction that left experts scratching their heads. [Read more »](#)

Analysis

Withholding Rules For Foreign Partnership Sales Still Hazy

The Internal Revenue Service's recent interim guidance on the new tax law's requirement to withhold tax on foreign partnership transfers is largely prospective and is raising questions about whether and how to withhold in transactions that have already taken place this year. [Read more »](#)

Analysis

What The DOJ's Latest Case Says About No-Poach Policy

The U.S. Department of Justice announced a settlement in early April with a pair of rail equipment companies accused of agreeing not to hire away each other's employees, but the case was brought as a civil matter despite warnings from agency leadership that no-poach agreements could be prosecuted criminally. Here, Law360 looks at what to make of the latest antitrust employment case and what it says about the agency's no-poach policy. [Read more »](#)

Sens. Back Privacy Legislation As Facebook CEO Faces Fire

Baker Donelson
Browne George
Buchanan Ingersoll
Burns & Levinson
Caplin & Drysdale
Casillas Santiago
Clark Hill
Clifford Chance
Consovoy McCarthy
Cooley
Covington & Burling
Cravath Swaine
DLA Piper
Davis & Gilbert
Debevoise & Plimpton
Dentons
Fenwick & West
Ferraiuoli LLC
Fisher Phillips
Frost Brown Todd
Gibson Dunn
Gilbert LLP
Hanson Bridgett
Husch Blackwell
Jenner & Block
Jones Day
Joseph Greenwald
Kellogg Hansen
Kelly Hart
Kirkland & Ellis
Klee Tuchin
Korein Tillery
Kostelanetz & Fink
Kramer Levin
Mayer Brown
Milbank Tweed
Modrall Sperling
Morris Polich

Calls to enact legislation that would require companies such as Facebook to give consumers more control over their data appeared to win support from senators on both sides of the aisle as they grilled CEO Mark Zuckerberg Tuesday over his company's ties with political consulting firm Cambridge Analytica — although several Republicans cautioned against rushing into regulation. [Read more »](#)

BANKING & SECURITIES

Fed Eyes Changes To Capital Rules For Large Banks

The Federal Reserve Board said Tuesday that it's considering simplifying its capital rules for big banks, rolling out a set of proposed changes that could yield higher required levels of capital for some of the biggest banks while lowering them for others. [Read more »](#)

ENERGY & ENVIRONMENTAL

EPA Lets ND Manage Own Carbon Sequestration Program

The U.S. Environmental Protection Agency on Tuesday made North Dakota the first state in the nation with the power to implement and enforce its own carbon sequestration well control program everywhere in the state except on Native American lands. [Read more »](#)

Calif. AG Sues EPA Over Air Polluter Policy Change

The California attorney general filed a lawsuit against the U.S. Environmental Protection Agency on Monday asking the D.C. Circuit to block the agency's recent rescission of a 1995 policy that said any facility considered to be a "major" polluter under the Clean Air Act could never be recategorized as a less prolific polluter. [Read more »](#)

Proposal For Miami Wastewater To Cool Nuke Plant Advances

Morrison & Foerster

O'Melveny & Myers

Ogletree Deakins

Parsons Behle

Paul Hastings

Paul Weiss

Pearson Simon

Proskauer Rose

Quinn Emanuel

Reed Armstrong

Robbins Russell

Ropes & Gray

Sedgwick LLP

Shearman & Sterling

Simpson Thacher

Skadden

Strasburger & Price

Susman Godfrey

Weil Gotshal

Willkie Farr

WilmerHale

Winston & Strawn

COMPANIES

AT&T Inc.

Altice SA

American Bar Association

Apple Inc.

Bayer AG

Breckenridge Pharmaceutical Inc.

Broadcom Ltd.

Brooklyn Defender Services

Cable One Inc.

California Medical Association

Cara Operations Ltd.

Christie's International PLC

Comcast Corporation

Consilio LLC

Denny's Corporation

The Miami-Dade County Commission on Tuesday greenlighted preliminary work on development of a project that would provide treated county wastewater for use in cooling canals at Florida Power & Light Co.'s Turkey Point nuclear power plant, a plan touted as having huge potential mutual benefits. [Read more »](#)

Gas Co., Pa. Township Settle Fracking Waste Ban Dispute

Pennsylvania General Energy Co. LLC has settled claims against a Pennsylvania township fighting a proposed hydraulic-fracturing project, with both sides agreeing that PGE's partial win against the municipality's fracking waste ban could later be appealed. [Read more »](#)

HEALTH & LIFE SCIENCES

Drugmakers Assail FDA For Nixing Generic Laxative Approval

Two drugmakers are attacking the U.S. Food and Drug Administration for rescinding approvals of generic versions of a Bayer AG laxative, warning of higher costs and "serious medical ramifications" for patients. [Read more »](#)

Calif. Price-Setting Bill Aims To Cap Health Care Costs

A California bill unveiled on Monday seeks to create a state commission that would cap soaring health care costs by setting prices for hospital stays, doctor's visits and other commercially insured medical services, but physicians groups have already raised concerns over government intrusion in the market. [Read more »](#)

MEDIA & ENTERTAINMENT

Calif. Royalty Act Doesn't Defy Fed. Law, Artists Tell 9th Circ.

Chuck Close and other artists urged the Ninth Circuit during oral arguments Tuesday to

ERM Group Inc.
Environmental Defense Fund Inc.
Facebook
Faiveley Transport SA
Florida East Coast Industries LLC
Florida Power & Light Co.
Fosun International Ltd.
GAZ Group
Gallup Inc.
Google Inc.
International Business Machines Corporation
Ironshore Inc.
Kansas City Royals
Knorr-Bremse AG
LexisNexis Group
Los Angeles Dodgers
Major League Baseball Inc.
Merck & Co Inc.
Mobilite LLC
MoneyGram International, Inc.
NBCUniversal Inc.
National Immigration Law Center
National Retail Federation Inc.
Natural Resources Defense Council
Navient Corp.
Nexgen Pharma Inc.
NextEra Energy Inc.
Oklahoma Independent Petroleum Association
Pew Charitable Trusts
QUALCOMM Incorporated
Reed Elsevier
SLM Corporation
Service Employees International Union
Sierra Club
Sotheby's

revive their putative class actions seeking art sale royalties from Christie's, Sotheby's and eBay, saying a California law mandating royalty payments to artists isn't preempted by the federal Copyright Act. [Read more »](#)

REAL ESTATE

Process To Pick New Miami Court Plan Remains Unresolved

Lawyers and judges turned out in large numbers Tuesday to press Miami-Dade County commissioners to move swiftly to approve construction of a new civil courthouse, but despite general support, the board made questionable progress at clarifying and advancing the process. [Read more »](#)

EMPLOYMENT

EEOC GC Nominee Defers To Agency On LGBT Bias Theory

Responding to pointed questions from the Senate's labor committee on whether Title VII bars employers from discriminating against LGBT workers, U.S. Equal Employment Opportunity Commission general counsel nominee Sharon Fast Gustafson said during her confirmation hearing Tuesday that she would defend the commission's position regardless of what it may be. [Read more »](#)

Miami Beach Official Sues Fla. Over Resign-To-Run Law

A Miami Beach commissioner filed suit Tuesday challenging a recently signed Florida law that requires her to resign her current post in order to continue her campaign for Congress. [Read more »](#)

New Law Won't Affect Wage Suit, Minor Leaguers Tell 9th Circ.

A group of minor league players told the Ninth Circuit on Monday that a brand-new federal wage law exemption is not retroactive and

Sovos Compliance LLC
Sprint Nextel Corporation
Tax Foundation
The DIRECTV Group, Inc.
Turner Broadcasting System Inc.
Twitter Inc.
UnitedLex Corp.
VTB Bank
Verizon Communications
Wabtec Corporate
Wal-Mart Stores Inc.
Wayfair LLC
eBay Inc.

GOVERNMENT AGENCIES

Arizona Supreme Court
Bureau of Citizenship and Immigration Services
California Air Resources Board
Committee on Foreign Investment in the United States
Congressional Budget Office
Department of Commerce
Equal Employment Opportunity Commission
European Union
Federal Bureau of Investigation
Federal Communications Commission
Federal Reserve System
Federal Trade Commission
Florida State Senate
Food and Drug Administration
Georgia Supreme Court
Internal Revenue Service
International Trade Administration
Muscogee Creek Nation
Nuclear Regulatory Commission
Office of Foreign Assets Control
Port of Los Angeles

would not impact an already-granted collective certification in a wage suit. [Read more »](#)

COMPETITION

Pay-TV 'Sticks Together,' DOJ Says In AT&T-Time Warner Row

The U.S. Department of Justice recalled AT&T's chief content officer to the stand Tuesday in D.C. federal court to confront him with another damaging communication against the AT&T-Time Warner merger, this time in which he discussed pay-TV distributors banding together against a content provider. [Read more »](#)

CYBERSECURITY & PRIVACY

Analysis

CFIUS Casts Wider Net, With Eye On Consumer Data Access

Amid an environment increasingly hostile to foreign involvement in the U.S. economy, the Committee on Foreign Investment in the United States has been broadening its view of what constitutes a national security concern severe enough to block a deal, paying special attention to Chinese acquirers and access to consumer data. [Read more »](#)

Harvard Can File Admissions Info Under Seal, Judge Rules

A Massachusetts federal judge said Tuesday she won't deviate from common court practices to prematurely unseal details about Harvard University's admissions process in a discrimination suit concerning Asian-American applicants that the U.S. Department of Justice wanted to see while it considers taking a stance in the dispute. [Read more »](#)

INTERNATIONAL TRADE

Analysis

Int'l Tariffs Pose Threat To Local Economies, Jobs, Taxes

South Florida Water Management District

State Intellectual Property Office of the PRC

U.S. Department of Education

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of State

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

World Trade Organization

A growing trade dispute between the U.S. and China that has seen an escalation in tariffs being levied by both countries will have a major impact on state and local economies, jobs and taxes, experts say, particularly on places that rely heavily on international trade. [Read more »](#)

Chinese President Vows Reforms To Ease Trade Tensions

Chinese President Xi Jinping on Tuesday promised a "new phase of opening up" Beijing's economy, announcing a series of reforms that will allow for greater foreign investment in the auto and banking sectors and an improvement to the nation's controversial intellectual property regime. [Read more »](#)

TAX

Analysis

In High Court Online Tax Case, Handicappers See Win For SD

The U.S. Supreme Court is likely to hand South Dakota a victory in the state's quest to compel remote retailers to collect and remit use tax, a ruling that would upend decades of practice in state taxation, experts say. [Read more »](#)

Analysis

IRS Could Replace Offshore Voluntary Disclosure Program

With the IRS Offshore Voluntary Disclosure Program coming to a close in September, willful violators who do not use the program could face penalties of at least \$100,000 or up to half of their foreign accounts for certain misconduct, but it is possible the agency may create a replacement program in the future. [Read more »](#)

IRS Overhaul Bills Make Greater Cybersecurity A Focus

Lawmakers pushed for greater cybersecurity at the Internal Revenue Service on Tuesday as part of a series of bills, introduced in the House of Representatives, that are intended to reconfigure the agency. [Read more »](#)

Treasury Finalizes Rule For IRS Contracting Officers

The U.S. Department of the Treasury finalized an interim rule on Tuesday aimed at setting up policies and procedures to help assist in the timely, successful and economical execution of the IRS' contract actions. [Read more »](#)

Average Deductions Exceed SALT Limit In 19 States: Report

Taxpayers' state and local tax deductions in 19 states and the District of Columbia on average exceeded the \$10,000 limit included in the recent tax legislation, a study from the Pew Charitable Trust released Monday found. [Read more »](#)

Ill. Gov. Calls For Balanced Budget Without New Taxes

Illinois Republican Gov. Bruce Rauner on Monday called for a meeting this week with state House and Senate leaders to outline his proposal for a balanced, full-year budget for 2019 that would not add any new taxes. [Read more »](#)

BANKRUPTCY

Bondholders Ratchet Up Puerto Rico Sales Tax Revenues Spat

Holders of Puerto Rico's general obligation bond debt waged a court fight Tuesday over the territory's sales tax revenues, telling a New York federal judge that the island's constitution overrides competing bondholder claims to more than \$17 billion in pledged sales tax collections. [Read more »](#)

IMMIGRATION

Travel Ban 3.0 Lifted For Chad, Remains For 6 Other Nations

President Donald Trump on Tuesday night lifted restrictions on travel for citizens of Chad, modifying an earlier executive order implementing the third version of his travel ban on nationals from seven nations. [Read more »](#)

Muslim Advocates Sue To Quash Trump's Terrorism Report

A California federal court should order that the Trump administration stop distributing an inflammatory and misleading report that overstates the connections between terrorism and practitioners of Islam, according to a complaint filed Tuesday by a Muslim advocacy group. [Read more »](#)

Ariz. High Court Bars Lower College Rates For DACA Holders

Arizona's highest court on Monday unanimously ruled that Deferred Action for Childhood Arrivals program recipients are not eligible for lower-priced, in-state tuition rates at the state's public colleges and universities. [Read more »](#)

DACA Recipient Sues Gov't Over Denial Of Spousal Visa

A Mexican immigrant protected under the Deferred Action for Childhood Arrivals program on Tuesday in California federal court accused the government of unlawfully denying his application for a spousal visa and banning him from the U.S., after he went to Mexico with his U.S. citizen husband for a visa interview. [Read more »](#)

Legal Aid Society Attorneys Protest ICE In NYC Courthouses

Legal Aid Society attorneys walked out of Queens Criminal Court in New York City on Tuesday to protest what they say is the continued presence of federal immigration officers in the city's courthouses, an action that followed the recent detentions of two foreign

defendants by immigration agents in the halls of justice. [Read more »](#)

NATIVE AMERICAN

Okla. Tribe Member Urges Justices Not To Redo Murder Case

A Muscogee Creek Nation member urged the U.S. Supreme Court on Monday to reject Oklahoma's challenge to a Tenth Circuit decision that tossed his state court murder conviction and death sentence because the killing in question took place within the tribe's reservation boundaries. [Read more »](#)

TELECOMMUNICATIONS

Sprint, Mobilitie Settle Tower Review Spats For \$11.6M

Sprint Corp. and telecommunications infrastructure company Mobilitie LLC agreed separately to pay a total of \$11.6 million to settle a pair of Federal Communications Commission investigations into whether the companies skipped past reviews required for wireless infrastructure projects. [Read more »](#)

FCC Issues Updates To Embattled Emergency Alert System

The FCC announced Tuesday that it's moving some of its emergency alert reporting processes online and clarifying what state-by-state emergency reports must contain, as the industry grapples with the aftermath of a false missile alert that was mistakenly blasted out to Hawaii residents in January. [Read more »](#)

Nebraska Official Joins FCC Broadband Deployment Panel

Federal Communications Commission Chairman Ajit Pai has named a Lincoln, Nebraska, municipal official to serve on the agency's Broadband Deployment Advisory Committee, following the departure of two big-city officials who said the committee's work

was heavily skewed toward industry priorities.
[Read more »](#)

EXPERT ANALYSIS

Case Against Calif. Sanctuary City Laws Faces Tough Fight

The Trump administration recently filed suit against California to overturn its so-called sanctuary city laws, alleging they interfere with and are preempted by federal immigration law. However, the case may face an uphill battle in the short term in the liberal Ninth Circuit, even with support from certain localities, says Matthew Kolodziej of Jia Law Group. [Read more »](#)

New Russian Oligarch Sanctions Will Require Prompt Action

Last week, the U.S. Treasury Department's Office of Foreign Assets Control added several Russian oligarchs, political officials and businesses under their control to its Specially Designated Nationals and Blocked Persons List. These sanctions will likely impose serious compliance challenges for both U.S. and non-U.S. persons doing business with Russia, say attorneys with Husch Blackwell LLP. [Read more »](#)

Federal Vs. State: The Fight To Regulate Student Loans

In the absence of federal action, states have generally enjoyed the home-field advantage when it comes to enforcement of student loans, but that could change, say Joseph Cioffi and James Serritella of Davis & Gilbert LLP. [Read more »](#)

LEGAL INDUSTRY

Firms Must Brace For AI Revolution, Legal Marketers Told

While the legal profession has trailed other fields in its adoption of artificial intelligence tools, that is certain to change within the next

few years and the implications for both legal departments and law firms will be profound, a panel of experts told legal marketers at a conference in New Orleans on Tuesday. [Read more »](#)

Clark Hill, Strasburger & Price Announce Merger

Detroit's Clark Hill, with its more than 450 attorneys and 17 offices, and Texas-based Strasburger & Price, which has nearly 200 attorneys across nine offices, will officially merge on Wednesday, the firms announced Tuesday. [Read more »](#)

Legal Tech Download: Walmart, O'Melveny And GE

The world of legal technology is quickly evolving, with new products coming to market in rapid succession. Here, Law360 takes a look at eight recent developments. [Read more »](#)

Calif. Justice Wants Court Sex Harass Deals To Name Names

California Chief Justice Tani Cantil-Sakauye said Tuesday she wants state courts to disclose the names of all judicial officers who enter settlements to resolve sexual harassment or sexual discrimination complaints, calling for an expedited change to court rules on public records. [Read more »](#)

Fed. Committee Backs Tougher Corporate Deposition Rule

The federal judiciary's Advisory Committee on Civil Rules on Tuesday approved rule changes designed to quell discovery disputes and time-wasting over depositions of corporate representatives. [Read more »](#)

Series

Dissolving Practice: How To Fix A Dysfunctional Law Firm

I am often asked, "When there are one or more partner departures, what can a firm do to prevent this from escalating to a catastrophic

level?" The short answer is "nothing." Law firms need to adopt culture-strengthening lifestyles to prevent defections from occurring in the first place, says Larry Richard of LawyerBrain LLC. [Read more »](#)

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To: Rep48
Subject: For La. Judicial Nominee, The Safe Approach Turns Risky



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Friday, April 13, 2018



TOP NEWS

Feature

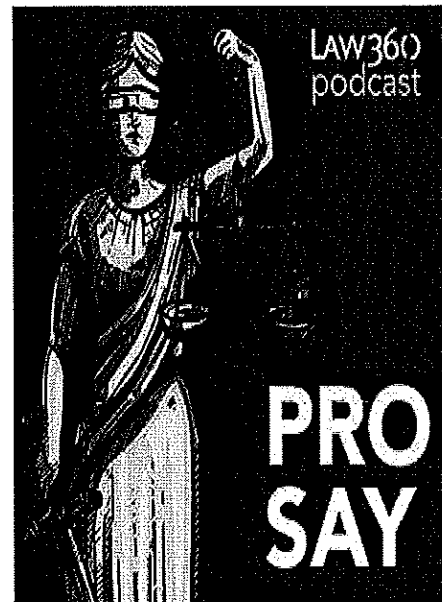
For La. Judicial Nominee, The Safe Approach Turns Risky

Wendy Vitter, a Republican lawyer tapped by President Donald Trump for the federal bench in Louisiana, may be in store for a tumultuous fight for her appointment despite following the typically pallid game plan employed by nearly all judicial picks when they appear before congressional confirmation hearings. [Read more »](#)

Judiciary Panel To Push Mueller Bill, Grassley Says

Senate Judiciary Committee Chairman Chuck Grassley intends to move forward on a bill to protect Special Counsel Robert Mueller from being fired, he said Thursday, despite his own misgivings with the measure and concerns in his party. [Read more »](#)

Trump Demands Changes To EPA Air Pollution Programs



[Listen to our new podcast here](#)

LAW FIRMS

Allen & Overy

Arnold & Porter

Baker McKenzie

President Donald Trump on Thursday instructed the U.S. Environmental Protection Agency to make it easier for states and industries to comply with national air emissions standards for pollutants like ozone, nitrogen dioxide and lead, a move promptly denounced by environmentalists [Read more »](#)

Senate Confirms Trump's Judicial Picks In Kan., Ky.

The Senate confirmed President Donald Trump's picks for judgeships in Kansas and the Western District of Kentucky Thursday, sending two private practice attorneys to the federal bench. [Read more »](#)

Facebook Drops Fight Against Calif. User Privacy Proposal

Facebook is backing off its opposition to a proposed ballot initiative in California that would allow consumers to find out more information about and have more control over the way businesses collect, use, share and sell their personal data, supporters of the initiative said. [Read more »](#)

Bill To Hike Judges' Salaries Heads To NJ Governor's Desk

A New Jersey bill that would give salary increases to certain state workers, including judges who have gone without raises for nearly a decade and make less than their federal counterparts, passed both houses of the state legislature Thursday and now heads to Gov. Phil Murphy's desk. [Read more »](#)

BANKING & SECURITIES

Dems Want Bank CEO Info On 'Quid Pro Quo' Army Sec. Deal

A pair of senior House Democrats on Thursday asked a bank CEO who was reportedly promised the Army secretary's role in exchange for loans to former Trump campaign chairman Paul Manafort to hand over information on those loans, and his contacts

Bryan Cave
Covington & Burling
Cravath Swaine
DLA Piper
Dechert
Drinker Biddle
Faegre Baker
Fenwick & West
Foley & Lardner
Frost Brown Todd
Gibson Dunn
Gupta Wessler
Hinkle Law Firm
Hogan Lovells
Holland & Knight
Jeffer Mangels
Kirkland & Ellis
Kostelanetz & Fink
Kramer Levin
Middleton Reutlinger
Morgan Lewis
O'Melveny & Myers
Paul Hastings
Potter Minton
Ropes & Gray
Saul Ewing
Shearman & Sterling
Sheppard Mullin
Siegel & Yee
SmithAmundsen LLC
Steptoe & Johnson LLP
Taft Stettinius
Van Ness Feldman
Wiley Rein
Wilkinson Barker
WilmerHale
Womble Bond Dickinson

COMPANIES

with the campaign, citing a letter from the U.S. Department of Defense they said had appeared to validate the allegation. [Read more »](#)

ENERGY & ENVIRONMENTAL

Senate Confirms Faegre Baker's Wheeler For EPA's No. 2 Post

The U.S. Senate on Thursday confirmed Faegre Baker Daniels LLP attorney and lobbyist Andrew Wheeler to serve as the U.S. Environmental Protection Agency's deputy administrator, putting in place a potential replacement who could step in as acting EPA chief if Administrator Scott Pruitt is fired or steps aside. [Read more »](#)

EPA To Let Calif. Tribes Design Own Water Quality Standards

Two California Native American tribes will now have the ability to develop their own water quality standards within their reservations under the federal Clean Water Act just as states are authorized to do, the U.S. Environmental Protection Agency announced Thursday. [Read more »](#)

HEALTH & LIFE SCIENCES

States Expanding Efforts To Tackle Prescription Drug Prices

State enforcers have played an important role in policing the pharmaceutical industry and prescription drug prices in particular, and their work in the area continues to expand, officials said during an event in Washington, D.C. on Thursday. [Read more »](#)

Visium Took Medicare Tips With 'Grain Of Salt,' Jury Hears

Former Visium Asset Management trader Christopher Plaford took health spending policy tips from expert consultant David Blaszcak with "a grain of salt," getting information from others alongside the man

3M Company
AAR Corporation
AT&T Inc.
AbbVie Inc.
Airbnb Inc.
American Bar Association
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations
American Gaming Association
Apple Inc.
Association of American Railroads
Barnes & Noble Inc.
Booking.com BV
Burford Capital LLC
CTIA
Cable News Network Inc.
Charter Communications Inc.
Comcast Corporation
Competitive Carriers Association
Competitive Enterprise Institute
DISH Network Corporation
Deerfield Management Co. LP
Duke Energy Corporation
ESPN Inc.
Environmental Defense Fund Inc.
Equifax Inc.
Facebook
FedEx Corporation
FirstEnergy Corp.
Gentiva Health Services, Inc.
Google Inc.
Home Box Office Inc.
International Brotherhood of Electrical Workers
International Trademark Association
Johnson & Johnson

charged with feeding secret Medicare and Medicaid information to Wall Street, a Manhattan jury heard Thursday. [Read more »](#)

IP & TECHNOLOGY

Booking.com Asks Full 4th Circ. To Nix USPTO Atty Fee Rule

Booking.com is pushing for an unusual fast-track appeal to the en banc Fourth Circuit after it was ordered to pay the U.S. Patent and Trademark Office a whopping \$76,000 in attorneys' fees even after winning a case. [Read more »](#)

MEDIA & ENTERTAINMENT

Major League Unions Want In On Sports Betting Rodeo

As a 25-year-old federal ban on sports gambling nears its possible demise in the U.S. Supreme Court, unions representing players in the four major professional sports leagues Thursday demanded an equal voice in the legalization conversation that has been dominated by the states, the leagues' governing organizations and the gambling industry. [Read more »](#)

Invalid Arguments Raised In E-Filing Row, News Outfit Says

A legal news organization told the Seventh Circuit on Thursday that an Illinois county court clerk should not be allowed to raise new arguments to the appellate panel that she did not make to the district judge who ordered her to make e-filed legal complaints available to the public immediately. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Analysis

What To Watch As The Surface Transportation Board Staffs Up

Kinder Morgan
Knorr-Bremse AG
Major League Baseball Inc.
Major League Baseball Players Association
Medtronic Inc.
Microsoft Corporation
Murray Energy Corp.
NBCUniversal Inc.
NFL Enterprises LLC
National Basketball Association
National Basketball Players Association
National Express Transit Corp.
National Football League Players Association
National Hockey League
National Hockey League Players Association
Nationwide Mutual Insurance Co.
New Jersey State Bar Association
News Corp.
Northern Mariana Islands Retirement Fund
Novartis AG
Nuclear Energy Institute
Planned Parenthood Federation
Procter & Gamble Co.
Russell Reynolds Associates Inc.
SAIC Inc.
Sierra Club
Sinclair Broadcast Group, Inc.
Southeastern Pennsylvania Transportation Authority
Straight Path Communications Inc.
TBS International Limited
Tax Foundation
The DIRECTV Group, Inc.
The Fertilizer Institute

The Surface Transportation Board is inching closer to filling out its ranks if President Donald Trump's two nominees are confirmed, enabling the rail regulator to more swiftly tackle long-anticipated new rules to stimulate rail competition and smooth out high-profile rate and service disputes along the country's railways. [Read more »](#)

REAL ESTATE

Analysis

LA Decision 'Blows The Myth' About Property Rental Rules

A recent decision siding with a property owner in a dispute over an alleged illegal Los Angeles hotel operation has brought front and center that the city's antiquated code actually says nothing about short-term rentals — despite the common view that apartments must be rented long-term — and comes as Los Angeles grapples with the question of regulation. [Read more »](#)

EMPLOYMENT

Senate OKs Trump Pick For Deputy Labor Secretary

The U.S. Senate on Thursday confirmed Patrick Pizzella as deputy labor secretary, filling one of several top political positions at the U.S. Department of Labor that have remained unfilled more than a year into President Donald Trump's administration. [Read more »](#)

Trump's Labor Dept. Issues First New Opinion Letters

The U.S. Department of Labor's Wage and Hour Division issued its first set of new opinion letters in nearly a decade Thursday, laying out its stances on when workers should be paid for health-related rest breaks and time spent traveling for work, and what forms of lump-sum

Thomson Reuters Corporation
Time Warner Inc.
Toyota Motor Corporation
Tribune Media Co.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Chamber of Commerce
U.S. Foods Inc.
United Federation of Teachers
Verizon Communications
Viacom Inc.
VirnetX Holding Corporation
Wabtec Corporate
Wolters Kluwer
XTO Energy Inc.
Xcel Energy Inc
eBay Inc.

GOVERNMENT AGENCIES

Bureau of Citizenship and
Immigration Services
Bureau of Indian Affairs
Bureau of Labor Statistics
Cherokee Nation
Consumer Financial Protection
Bureau
Department of Commerce
Eastern Band of Cherokee Indians
Equal Employment Opportunity
Commission
European Union
Executive Office of the President
Federal Bureau of Investigation
Federal Communications
Commission
Federal Energy Regulatory
Commission
Federal Labor Relations Authority
Federal Reserve System
Federal Trade Commission

payment should be garnished for child support.
Read more »

Labor Chief Defends Spiking Tip Pool Data To Senators

Labor Secretary Alex Acosta on Thursday defended his decision not to disclose the share of workers' tips that the U.S. Department of Labor estimated employers would have pocketed under its December proposal to undo Obama-era restrictions on tip pooling in a relatively cordial hearing before a U.S. Senate appropriations subcommittee. Read more »

Cuomo Signs Law Beefing Up Public Unions Ahead Of Janus

New York Gov. Andrew Cuomo signed legislation Thursday bolstering the rights of public-sector unions in the state, a preemptive strike against an anticipated decision by the U.S. Supreme Court siding with worker Mark Janus in his challenge to the constitutionality of so-called agency fees, a ruling that could deal a major blow to organized labor. Read more »

NJ Senate Sends Sick Leave Bill To Gov. Murphy's Desk

New Jersey legislation that would require employers to provide earned sick leave to their workers in the state is now bound for Gov. Phil Murphy, with the state Senate on Thursday passing the bill that supporters have said would protect employees and public health in general. Read more »

COMPETITION

AT&T-Time Warner Expert Says DOJ Has 'No Statistical Basis'

AT&T and Time Warner sought Thursday to eviscerate every part of the economics of the U.S. Department of Justice challenge against their merger in D.C. federal court, presenting their own expert witness to systemically criticize virtually every conclusion, and every

Food and Drug Administration
Government Accountability Office
Illinois Supreme Court
Indian Health Service
Internal Revenue Service
International Trade Administration
Iowa Legislature
Jamestown S'Klallam Tribe
La Jolla Band of Luiseno Mission Indians
Morongo Band of Mission Indians
NAFTA
National Economic Council
National Labor Relations Board
Navajo Nation
New Jersey Judiciary Court System
New Jersey Legislature
New York Attorney General's Office
Occupational Safety and Health Administration
Rincon Band of Luiseno Mission Indians
Rural Utilities Service
St. Croix Chippewa Indians of Wisconsin
State Intellectual Property Office of the PRC
Surface Transportation Board
Texas Department of Public Safety
U.S. Department of Agriculture
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor

unconsidered variable, to come from his counterpart. [Read more »](#)

CONSUMER PROTECTION

OMB Head At Helm Thwarts CFPB Autonomy, DC Circ. Told

The D.C. Circuit judges hearing the former acting Consumer Financial Protection Bureau director's case to regain her post indicated in court Thursday that they are still weighing whether the 2010 law that created the CFPB carves out an exception to the 1998 law governing federal appointments. [Read more »](#)

Mulvaney Quizzed By Senators On CFPB Leadership, Data

Consumer Financial Protection Bureau acting Director Mick Mulvaney told senators Thursday that if they don't like the job he is doing as the nation's top consumer financial watchdog, they must change the law to put him on more of a leash, as he fielded questions about the agency's rulemaking, enforcement activity, data collection and more. [Read more »](#)

INTERNATIONAL TRADE

Trump Reconsidering TPP As NAFTA Talks Trudge On

A number of Republican senators revealed Thursday that President Donald Trump is considering rejoining the Trans-Pacific Partnership, the regional trade accord he abandoned soon after taking office before shifting his focus to reshaping the North American Free Trade Agreement. [Read more »](#)

Feds Look To Curb Trade Barriers For US Hardware Makers

The U.S. Department of Commerce is developing a plan to counteract trade barriers that "arbitrarily discriminate" against U.S. producers of information and communication technology hardware, according to a filing

U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
Wage and Hour Division
World Trade Organization

published in the Federal Register on Thursday.
[Read more »](#)

US-China Spat Could Imperil Trade Growth, WTO Boss Warns

The ever-escalating standoff between the U.S. and China may pose a significant threat to global trade at large if left unchecked, World Trade Organization Director-General Roberto Azevedo said Thursday, on the heels of a report that the rising tensions are already creating waves. [Read more »](#)

TAX

Future Tax Regulations No Longer Exempt From OMB Reviews

Proposed tax regulations will no longer be exempt from the review process most other federal regulations undergo, the Office of Management and Budget and the U.S. Department of the Treasury announced Thursday in a memorandum of agreement. [Read more »](#)

Analysis

Tax Court Unlikely To Be Swayed By 1st Circ. IRA Ruling

The U.S. Tax Court and the First Circuit recently reached opposite conclusions in two similar cases on the taxability of individual retirement account contributions, but the Tax Court may be hard-pressed to follow the appellate court's more taxpayer-friendly decision if it means weakening an important tool for the Internal Revenue Service to enforce tax laws. [Read more »](#)

IRS To Issue Tax Law Forms And Instructions By Summer

The Internal Revenue Service will publish new forms and instructions related to the recent tax overhaul legislation by this summer, the agency's top official told lawmakers on Thursday. [Read more »](#)

OMB May Review Pass-Through Provision, Treasury GC Says

The pass-through provision included in the recent federal tax overhaul legislation likely will be reviewed by the Office of Management and Budget, the U.S. Treasury Department general counsel told senators on Thursday. [Read more »](#)

NJ Assembly Passes Charitable Donation SALT Workaround

A bill in the New Jersey Legislature that would provide property tax credits to taxpayers making certain qualified charitable donations — an effort to counter a provision in the federal tax reform law that limits federal state and local tax deductions to \$10,000 — passed both houses Thursday, making its way to Gov. Phil Murphy. [Read more »](#)

IMMIGRATION

US Gov't Is Sued Over Citizenship Question On Census

The Trump administration is violating the U.S. Constitution and several federal laws by adding to the 2020 census a question about whether or not an individual is a U.S. citizen, according to a complaint filed in Maryland federal court on Thursday. [Read more »](#)

Migrant Caravan Requires More Border Agents, Congress Told

Law enforcement representatives urged Congress to increase resources for border enforcement at a House Oversight Committee hearing Thursday to deal with a caravan of Central American migrants trying to cross the southwest border without authorization. [Read more »](#)

Trump Admin. Can't Deny DOJ Grants To 'Sanctuary' Cities

A California federal judge granted a win to so-called sanctuary cities Wednesday by imposing a permanent, nationwide ban that

would prevent the Trump administration from placing certain immigration-related conditions on community policing grants administered by the U.S. Department of Justice. [Read more »](#)

Iowa Governor Signs Anti-Sanctuary City Law

Iowa Republican Gov. Kim Reynolds on Tuesday signed into law a bill that would penalize sanctuary cities by cutting off all of their state funding. [Read more »](#)

Married Couples Sue Gov't For Detaining Immigrant Spouses

A putative class of married couples has accused the government in Massachusetts federal court of unlawfully detaining and trying to deport immigrant spouses who are seeking permanent residency in the U.S. and are married to U.S. citizens. [Read more »](#)

NATIVE AMERICAN

Senate Panel OKs Indian Health Service, Contract Bills

The Senate Committee on Indian Affairs approved bills on Wednesday that would overhaul the embattled Indian Health Service and give Native American tribes more control over how they run federal programs under contracts with the federal government. [Read more »](#)

Task Force Makes 11 Drug-Related Arrests On Tribal Lands

The U.S. Department of the Interior on Wednesday announced 11 drug-possession arrests after a raid in New Mexico by a new joint task force that was launched as part of the federal government's steps to tackle the opioid crisis in Native American communities. [Read more »](#)

TELECOMMUNICATIONS

Feature

What's In Store For FCC Media Ownership Deregulation

Under Chairman Ajit Pai, the Federal Communications Commission has set an aggressive agenda of relaxing or wholly scrapping rules intended to limit the influence of nationwide broadcasters and to keep media consolidation at bay. [Read more »](#)

Wireless Industry Group Presses FCC On High-Band Auctions

The CTIA, an industry group representing wireless companies, is encouraging the Federal Communications Commission to quickly finalize plans for upcoming auctions in the 24 and 28 gigahertz bands and set dates for auctions in other high-frequency bands, in hopes of freeing as much spectrum as possible for the race to 5G. [Read more »](#)

FCC Commish Urges USDA Cooperation On Rural Broadband

The U.S. Department of Agriculture must coordinate with the Federal Communications Commission to ensure a newly created \$600 million pilot program for rural broadband deployment is administered effectively, FCC Commissioner Michael O'Rielly said Wednesday. [Read more »](#)

EXPERT ANALYSIS

Unraveling FDA's Recent Flurry Of Tobacco Activity

Last month, the U.S. Food and Drug Administration issued three advance notices of proposed rulemaking related to nicotine. However, tackling any of the issues raised would be a significant undertaking on its own, and some are skeptical that any of the proposals will move forward, says Jonathan Havens of Saul Ewing Arnstein & Lehr LLP. [Read more »](#)

What Cos. Need To Know About China's New Market Regulator

As part of a sweeping government restructuring plan announced last month, China is merging a range of government agencies into the new State Market Regulatory Administration. Multinational companies doing business in China must pay close attention to how functions within the newly consolidated agency will be organized, say attorneys with Ropes & Gray LLP. [Read more »](#)

Finance-Savvy Millennials Are Shifting Business Of Law

The impact of millennials has already been felt within the legal community by our eagerness to embrace new technologies. One way that we will have potentially even more impact lies in our willingness to embrace new ways of developing business and financing law, says Michael Perich of Burford Capital LLC. [Read more »](#)

LEGAL INDUSTRY

Firms Without Women Won't Get Our Business, GCs Say

If a law firm hasn't made gender diversity a priority in its teams handling corporate cases, it won't be competitive for company business, a panel of general counsel for major companies said at a conference on women in the courtroom in Chicago Thursday. [Read more »](#)

No-Poach Guidance Caught In-House Counsel Off Guard

Corporate legal departments were caught off guard by the U.S. Department of Justice's 2016 guidance signalling that the agency would criminally prosecute certain employment-related agreements between companies, and a panel of in-house leaders said Thursday they're waiting for further developments in the space. [Read more »](#)

Minority Lawyers Group Kicks Off Leadership Diversity Effort

The Minority Corporate Counsel Association has partnered with Microsoft Corp. to launch a new data-driven initiative designed to give law firms and legal departments a road map for how to cultivate a more diverse bench of leaders, the organization said in a statement Thursday. [Read more »](#)

Fenwick To Move NYC Office To Tech Hub Flatiron District

Fenwick & West LLP said Thursday it will more than double the footprint of its New York City office when it relocates to the technology-friendly Flatiron District, a move the firm said will benefit its tech and life sciences clients. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Hogan Lovells LLP topped this week's legal lions list, guiding client Novartis on an \$8.7 billion deal to take over gene therapy company Avexis, while Kirkland & Ellis LLP ended up a legal lamb after a jury found its client Apple willfully infringed a network security patent, potentially putting the tech giant on the hook for more than \$1.5 billion in damages. [Read more »](#)

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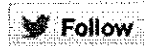
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Monday, April 16, 2018



LAW360 400

Law360 Reveals 400 Largest US Firms

The annual Law360 400 ranks the largest U.S.-based law firms and vereins with a U.S. component by domestic attorney headcount. [Read more »](#)

Megafirms Find New Heights In Grounded Market

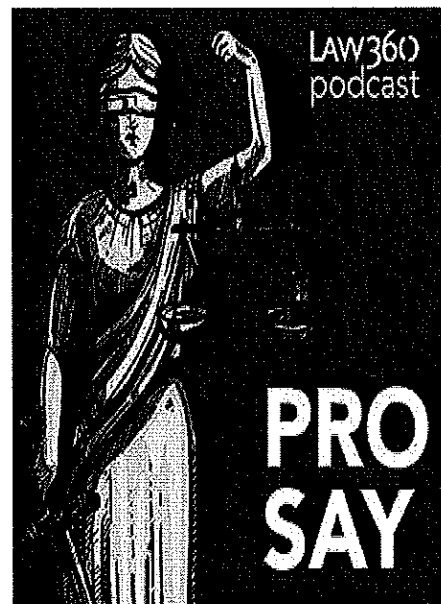
The biggest of BigLaw are widening the gap between themselves and their rivals, as firms of all sizes grapple with fluctuating demand and seek out their place in the legal landscape. [Read more »](#)

How 5 Firms Grew Without Merging

These firms saw double-digit growth in 2017 — one hire at a time. Here, their leaders tell Law360 of their varied approaches to attracting top talent. [Read more »](#)

TOP NEWS

Analysis



[Listen to our new podcast here](#)

LAW FIRMS

Akerman

Akin Gump

Archer & Greiner

The DOJ's Case Against AT&T-Time Warner By The Numbers

Like its chief expert witness who testified Wednesday, the U.S. Department of Justice has built its antitrust challenge to AT&T's \$85 billion quest for Time Warner around numbers, culminating in hundreds of millions of dollars in alleged consumer television subscription price increases the government says the merger will create. [Read more »](#)

Analysis

Fed Raids On Trump Atty A Privilege Screen 'Nightmare'

Michael Cohen's many roles for President Donald Trump — lawyer, dogged cable news advocate, campaign supporter and all-around "fixer" — represent a snarl of knotty privilege issues for federal prosecutors set to sift through computer files and documents seized by agents in raids on his Manhattan office and home, experts say. [Read more »](#)

How They Won It

Witness Testimony Powered Win Against Ex-Bolivian Prez

To win their case against a former Bolivian president and military minister for civilian deaths during 2003 protests, attorneys from Akin Gump Strauss Hauer & Feld LLP, Harvard Law School, the Center for Constitutional Rights and Akerman LLP had to give Florida jurors a crash course in Bolivian history and culture, a move that paid off when the jury this month returned a \$10 million verdict for the families of eight victims. [Read more »](#)

Feature

Experts Bet On High Court's Blessing For Sports Wagering

A panel of sports law experts appearing at a symposium at Villanova University on Friday expressed optimism that the U.S. Supreme Court would clear the way for legalized sports betting as it weighs an appeal over New

Archer Norris
Arnold & Porter
Baker Botts
Ballard Spahr
Becker & Poliakoff
Blank Rome
Boies Schiller
Bookoff McAndrews
Brinks Gilson & Lione
Buchalter PC
Buchanan Ingersoll
California Power Law Group
Cantor Colburn
Carothers DiSante
Clayman & Rosenberg
Cleary Gottlieb
Conner & Winters
Constangy Brooks
Cooley
Covington & Burling
Cozen O'Connor
Cravath Swaine
DLA Piper
Dickinson Wright
Dorsey & Whitney
Downey Brand
Earthjustice
Fasken Martineau
Finnegan
Fish & Richardson
Fisher Phillips
Fitch Even
Fitzpatrick Cella
Foley & Lardner
FordHarrison
Freeborn & Peters
Fross Zelnick
Gallet Dreyer

Jersey's efforts to strike down the state's ban on the activity. [Read more »](#)

Rosenstein, DOJ's No. 2, To Present Supreme Court Argument

In addition to flying around the country giving speeches, shaping U.S. Department of Justice policy, and managing the special counsel's investigation into the 2016 presidential election, Deputy Attorney General Rod Rosenstein has added another job to his plate: arguing before the U.S. Supreme Court, the court confirmed Friday. [Read more »](#)

SEC In-House Judges' Powers Unconstitutional, Justices Told

A former investment adviser whose challenge of sanctions imposed by a U.S. Securities and Exchange Commission administrative law judge is now before the U.S. Supreme Court argued in a brief filed Friday that his rights were violated because the judge who heard his case wasn't constitutionally authorized to wield such power. [Read more »](#)

BANKING & SECURITIES

Volcker Rule Changes Pass In House

The U.S. House of Representatives on Friday approved changes to the Volcker Rule, including consolidating rulemaking under the Federal Reserve and exempting banks with less than \$10 billion in assets from compliance, adding to a list of potential changes in an anticipated package altering the Dodd-Frank Act. [Read more »](#)

ENERGY & ENVIRONMENTAL

Analysis

Trump's Whipsaw TPP Reversal Easier Said Than Done

President Donald Trump has directed his top advisers to consider rejoining the Trans-Pacific Partnership, a deal he previously called a "continuing rape" of the U.S. economy as he

Gibson Dunn
Gilchrist & Rutter
Goodwin
Greenberg Glusker
Greenberg Traurig
Grunfeld Desiderio
Harness Dickey
Harrity & Harrity
Holland & Hart
Holland & Knight
Hunton Andrews Kurth
Jenner & Block
Jones Day
K&L Gates
Katz Marshall
Kirkland & Ellis
Knobbe Martens
Latham & Watkins
Lathrop Gage
Laura Devine Solicitors
LeClairRyan
Littler Mendelson
Locke Lord
Marshall Gerstein
Mayer Brown
McAfee & Taft
McDermott Will
McDonnell Boehnen
McGuireWoods
Merchant & Gould
Miller Egan
Morgan Lewis
Morrison & Foerster
Norton Rose Fulbright
O'Melveny & Myers
Ogletree Deakins
Patterson Belknap
Paul Weiss

abandoned it last year, but the move is fraught with legal, procedural and political hurdles that may prevent him from reversing course. Read more »

9th Circ. Won't Delay Maui Groundwater Mandate

The Ninth Circuit on Thursday rebuffed a bid by Hawaii's Maui County to freeze the effect of a recent ruling that made wastewater injections whose pollution reaches navigable U.S. waters via groundwater subject to Clean Water Act permitting requirements, while the county pursues a U.S. Supreme Court appeal. Read more »

HEALTH & LIFE SCIENCES

4th Circ. Finds Md. Drug Pricing Law Unconstitutional

A split Fourth Circuit has deemed unconstitutional a Maryland law allowing the state attorney general to go after generic-drug makers for price gouging, with the majority holding in a Friday published decision that the act impermissibly regulates the price of transactions taking place outside the state. Read more »

FDA Bans Bulk Sale Of Concentrated Caffeine Supplements

The U.S. Food and Drug Administration on Friday banned the bulk sale of dietary supplements that contain highly concentrated or pure caffeine directly to consumers, saying the products pose a public health risk. Read more »

TRANSPORTATION & INFRASTRUCTURE

House Leaders Introduce 5-Year FAA Reauthorization Bill

The U.S. House Transportation and Infrastructure Committee unveiled a new five-year reauthorization of the FAA on Friday that

Porter Wright
Quinn Emanuel
Robbins Russell
Ropes & Gray
Sacks Weston Diamond
Sanford Heisler
Saul Ewing
Schiff Hardin
Schnader Harrison
Schwegman Lundberg
Sedgwick LLP
Seed IP Law Group
Sidley Austin
Skadden
Spears & Imes
Squire Patton Boggs
Sterne Kessler
Stoel Rives
Stoll Keenon
Stroock & Stroock
Van Ness Law Firm
Weil Gotshal
Williams & Connolly
WilmerHale
Winston & Strawn
Wolf Greenfield
Womble Bond Dickinson
Wood Smith

COMPANIES

AT&T Inc.
Altman Weil Inc.
American Bankers Association
American Bar Association
Apple Inc.
Archer Daniels Midland Co.
Arctic Cat Inc.
Association for Accessible Medicines

includes legislation shoring up federal disaster preparedness programs, jump-starting efforts to lock in multiyear funding for airport infrastructure upgrades and safely integrating drones. [Read more »](#)

Order To Create Taxi Fee System Can't Stand, Pa. Court Says

A Pennsylvania appeals court on Friday said a trial judge in Philadelphia did not have the authority to order the creation of an administrative system for processing appeals by taxicab and limousine companies in lieu of a class action seeking refunds for fees and assessments that were found to be unconstitutional. [Read more »](#)

EMPLOYMENT

State Pension Funds \$1.4T In The Hole, Report Shows

State pension funds reported a \$1.4 trillion deficit in 2016, according to a report released Thursday by the Pew Charitable Trusts. [Read more »](#)

COMPETITION

DOJ Might Back Off A Cartel If Foreign Watchdogs Handle It

The U.S. Department of Justice would consider using its prosecutorial discretion to decide against prosecuting companies for participating in cartels if the watchdog concluded that a foreign jurisdiction's penalties addressed the problem under certain conditions, a high-level criminal antitrust official said Friday. [Read more »](#)

FTC's Ohlhausen Fights Criticism Of 2-Commissioner Watchdog

Acting Federal Trade Commission Chairman Maureen K. Ohlhausen defended the agency's record under the new presidential administration on Friday, arguing that despite obstacles, the commission has remained

Association of Corporate Counsel

Bristol-Myers Squibb Company

Burford Capital LLC

CDK Global Inc.

Cable News Network Inc.

Cable One Inc.

Cargill Inc.

Center for Constitutional Rights

Center for Science in the Public Interest

Charter Communications Inc.

Comcast Corporation

Crystallex International Corp

Emerson Electric Co.

Equifax Inc.

Facebook

Google Inc.

Hiscox

Home Box Office Inc.

Hovensa LLC

Ion Geophysical Corporation

J. M. Smucker Company

Johnson & Johnson

Kinder Morgan

Major Lindsey & Africa

Make the Road New York

Medical Action Industries Inc.

Microsoft Corporation

NBCUniversal Inc.

NFL Enterprises LLC

National Basketball Association

National Collegiate Athletic Association

National Conference of State Legislatures

National Federation of Independent Business

National Grid PLC

National Immigration Law Center

extremely active and represents a rare "example of bipartisan accomplishment." Read more »

CYBERSECURITY & PRIVACY

Lawmakers Seek To Bolster DOD Supply Chain Cybersecurity

A bipartisan, bicameral group of lawmakers introduced a bill Thursday to help small defense contractors identify and address cybersecurity vulnerabilities, responding to what the legislators said were significant resource and awareness gaps regarding U.S. Department of Defense cybersecurity requirements. Read more »

GOVERNMENT CONTRACTS

More Than Half Of GAO Protests Resolved In Under 30 Days

More than 50 percent of bid protests on government contracts are resolved by the U.S. Government Accountability Office in less than a month and 75 percent are decided within 60 days, a senior management scientist for Rand Corp. said at a D.C. event on Friday. Read more »

AEROSPACE & DEFENSE

Afghan Fuel Contracts Lack Oversight, Watchdog Says

The U.S. Department of Defense continues to have trouble keeping track of fuel purchased for the Afghan government despite changes instituted after discovering millions of dollars of fuel theft, the Special Inspector General reported Friday. Read more »

DOD To Set Up New Artificial Intelligence Office

The U.S. Department of Defense and federal intelligence agencies will establish a central artificial intelligence office to try to stay ahead of Chinese advancements in AI,

New York Times Co.
Oil States International Inc.
Pew Charitable Trusts
Pope & Talbot Inc.
SIFMA
Sinclair Broadcast Group, Inc.
Suddenlink Communications
TBS International Limited
Tate & Lyle PLC
The Cheesecake Factory Inc.
The DIRECTV Group, Inc.
Time Warner Inc.
Tribune Media Co.
Trump Organization Inc.
Turner Broadcasting System Inc.
Twitter Inc.
United Steelworkers
Viacom Inc.
Villanova University
VirnetX Holding Corporation
Washington Post Co.
Wayfair LLC

GOVERNMENT AGENCIES

Attorney Registration and
Disciplinary Commission
Bureau of Citizenship and
Immigration Services
Bureau of Labor Statistics
Central Intelligence Agency
Commodity Futures Trading
Commission
Delaware Court of Chancery
Department of Commerce
Equal Employment Opportunity
Commission
European Union
Federal Acquisition Regulatory
Council
Federal Aviation Administration

undersecretary of defense for research and engineering Michael Griffin said Friday. [Read more »](#)

INTERNATIONAL TRADE

Commerce Sued For Not Giving Separate Rate Status To Co.

The U.S. Department of Commerce erred by failing to assign a separate anti-dumping duty rate status to a Chinese tire company after the business changed its name, lumping it in with firms considered under the control of the Chinese government, according to a complaint filed Thursday in the U.S. Court of International Trade. [Read more »](#)

Sens. Urge USTR To Ensure NAFTA Tightens Copyright Rules

A pair of senators on Friday called on U.S. Trade Representative Robert Lighthizer to ensure that U.S. trade agreements, and particularly the North American Free Trade Agreement currently being renegotiated, include strong copyright provisions that protect American innovation. [Read more »](#)

TAX

DOJ To Use Threat Of Taxpayer Recovery To Fight Cartels

The U.S. Department of Justice's antitrust chief said Friday the division remains as "active and aggressive" as ever despite the drop in criminal cartel cases brought last year, saying the agency would even go so far as to try to recover taxpayer dollars lost to price-fixing and other conduct. [Read more »](#)

Tax Increment Financing Faces New Scrutiny In Missouri

At a time of increased public interest in how state and local governments use tax dollars to attract development, Missouri lawmakers may bring greater public scrutiny and transparency

Federal Bureau of Investigation

Federal Communications Commission

Federal Emergency Management Agency

Federal Reserve System

Federal Trade Commission

Food and Drug Administration

Georgia Supreme Court

Government Accountability Office

Jamestown S'Klallam Tribe

Lower Elwha Klallam Tribe

NAFTA

National Aeronautics and Space Administration

National Economic Council

National Institute of Standards and Technology

Organization of American States

Securities and Exchange Commission

Suquamish Tribe

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of State

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

to a popular funding process known as tax increment financing, or TIF. [Read more »](#)

IMMIGRATION

Feature

'Buy America, Hire America' Roadblocks Trouble Employers

President Donald Trump issued his "Buy America, Hire America" mandate one year ago with the intention of promoting American industry, but immigration lawyers say that it has instead created a series of stumbling blocks for businesses trying to expand their operations in the U.S. [Read more »](#)

Trump Asks 2nd Circ. To Review Refusal To Nix DACA Case

The Trump administration on Friday asked a New York federal judge for permission to appeal his order that denied the federal government's bid to toss a case over a proposed rollback of the Deferred Action for Childhood Arrivals program. [Read more »](#)

Calif. Court Urged To Pause State's Immigration Policies

The Eastern District of California should temporarily pause the effect of several California laws that aim to obstruct federal immigration law enforcement in the Golden State, several law enforcement organizations asserted in separate briefs filed with the court on Thursday. [Read more »](#)

NATIVE AMERICAN

NJ Tribe Asks For Win In State Recognition Row

The Nanticoke Lenni-Lenape Tribal Nation told a New Jersey federal court on Friday that it deserved an early win on its claims that the state improperly refused to recognize the tribe in violation of its due process rights, adding

that it was the victim of discrimination. Read more »

TELECOMMUNICATIONS

Pai Rejects Senators' Calls To Investigate Sinclair News

Federal Communications Commission Chairman Ajit Pai swiftly squelched calls by Democratic senators for an investigation into Sinclair Broadcast Group Inc.'s fitness to hold airwaves licenses, writing in a Thursday letter that probing the company's holdings due to controversial news content would jeopardize free speech. Read more »

WHITE COLLAR

Feds Say Cohen Is Barely A Lawyer, Blast Privilege Claims

Prosecutors urged a New York federal judge on Friday to reject an effort by Michael Cohen, President Donald Trump's longtime lawyer, to halt their review of documents seized from Cohen, calling his request to identify privileged records an obvious effort to slow down their probe and saying Cohen barely even practices law anymore. Read more »

Trump Atty Did Little For Squire Patton, Prosecutors Say

Squire Patton Boggs LLP agreed to pay Michael Cohen an annual \$500,000 "strategic alliance fee," though the veteran attorney for Donald Trump now under criminal investigation did little other than maintain an independent office and referred only five clients to the firm during the year of the agreement, according to a motion filed by prosecutors in Manhattan federal court on Friday. Read more »

Q&A

Q&A

A Conversation With Baker Botts CMO Gillian Ward

In this monthly series, legal recruiting experts at Major Lindsey & Africa interview law firm management about navigating an increasingly competitive business environment. Here we feature Gillian Ward, chief marketing officer at Baker Botts LLP. [Read more »](#)

EXPERT ANALYSIS

Trump Tariffs May Violate Investment Treaty Protections

Foreign companies affected by the America First tariffs should consider the extent to which such tariffs may violate their rights under applicable investment treaties or free trade agreements, and thus may provide them with recourse in international arbitration for the harm they have suffered, say Javier Rubinstein and Lauren Friedman of Kirkland & Ellis LLP. [Read more »](#)

How Is EPA's New Source Review Guidance Helpful?

The U.S. Environmental Protection Agency recently issued a memo reinterpreting regulations that determine when a project could trigger new source review. In this new policy directive, the EPA is now reinterpreting its existing regulations to allow sources to use this type of project analysis to assess whether an NSR permit is required, say attorneys with Sidley Austin LLP. [Read more »](#)

Opinion

There Is Middle Ground For US Lawyers On AML Regimes

The American Bar Association continues to oppose legislation that would impose certain European Union and U.K. anti-money laundering requirements on U.S. lawyers. The ABA should further consider its approach to this issue as there is a viable middle ground that protects privileged communications and confidential information while advancing the interests of the legal profession, says Matthew

O'Hara of Freeborn & Peters LLP. [Read more »](#)

LEGAL INDUSTRY

IP Boutiques Tick Down As AIA Settles In

Amid years of attorney migration between intellectual property boutiques and their general practice rivals, the IP specialists saw a slight downtick in 2017, as these firms continued to adjust to practicing under the America Invents Act. [Read more »](#)

How 2 Employment Firms Are Pulling Ahead Of The Pack

The two largest employment boutiques are getting bigger at a faster rate than their rivals, according to this year's Law360 400. Here's our look at the trends that shaped the sector in 2017. [Read more »](#)

Fired FBI Official Enlists Boies Schiller, May Sue Trump

Fired FBI Deputy Director Andrew McCabe, the subject of a critical U.S. Department of Justice Inspector General report, is working with Boies Schiller Flexner LLP to determine whether to sue President Donald Trump and administration officials for wrongful termination and defamation, McCabe's lawyer said Friday. [Read more »](#)

Feature

Up Next At High Court: Taxing Online Sales, Patent Damages

The U.S. Supreme Court will consider whether to allow states to tax online sales and how to calculate damages in certain patent cases when it returns to the bench this week for the final oral argument session of the 2017-2018 term. [Read more »](#)

Feature

GC Cheat Sheet: The Hottest Corporate News Of The Week

U.S. Equal Employment Opportunity Commission general counsel nominee Sharon Fast Gustafson during her Senate confirmation hearing declined to state her view on whether Title VII of the Civil Rights Act of 1964 prohibits anti-LGBT bias, the general counsel of The Cheesecake Factory looked back on the changing restaurant industry before she retired Thursday, and the legal services sector finished the first quarter with more than 1,000 fewer jobs than at the end of last year. These are some of the stories in corporate legal news you may have missed. [Read more »](#)

Hiscox Says Hack Of US Law Firm Exposed Policyholders

The personal data of up to 1,500 U.S.-based commercial insurance policyholders may have been compromised by a hack at an unnamed "specialist law firm," according to a statement released Friday by Bermuda-based specialist insurer Hiscox Ltd. [Read more »](#)

Atty Denied Class Cert. In PACER Document Fee Fight

A Florida federal judge refused Friday to grant certification to a proposed nationwide class of attorneys in a suit alleging the Public Access to Court Electronic Records system improperly charges users for viewing judges' opinions, ruling it would be too difficult to define and administer such a vast PACER class. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more = 2](#)

Podcast

Law360's Pro Say: Jeh Johnson Talks About Cyber Threats

Whether it's Russian meddling, the Equifax breach or Facebook's user-data scandal, every day seems to bring a new cybersecurity crisis.

On the latest episode of Law360's Pro Say podcast we're joined by a special guest who knows a lot about cyber threats — former Homeland Security Secretary Jeh Johnson. [Read more »](#)

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Thursday, April 19, 2018



TOP NEWS

Tax Pros No Longer Sure About Justices' Take On Wayfair

A group of tax professionals said Tuesday's oral arguments before the U.S. Supreme Court in a landmark online taxation case left them with the impression that the high court would not easily overturn precedent by allowing states to tax beyond their borders. [Read more »](#)

SEC Unveils Plans For 'Best Interest' Standard For Brokers

A divided U.S. Securities and Exchange Commission on Wednesday proposed holding brokers to a higher standard of care if they are giving advice to retail investors, kicking off a likely contentious fight to finalize the long-awaited new rules that have already met with skepticism at the agency. [Read more »](#)

Feature

Input Pours In Before NLRB Election Rule Comment Deadline



[Listen to our new podcast here](#)

LAW FIRMS

Alston & Bird

Altshuler Berzon

Barnes Richardson

More than 6,000 labor groups, businesses and workers responded to the National Labor Relations Board's call for feedback on whether and how to revise a controversial Obama-era rule aimed at streamlining the union election process ahead of a twice-extended comment deadline that passed Wednesday. [Read more »](#)

Enviros' Suit Over EPA Plant Effluent Rule Nixed As Moot

A Washington, D.C., federal judge on Wednesday tossed a lawsuit in which environmental groups challenged the U.S. Environmental Protection Agency's postponement of an Obama-era rule that set limits on how much toxic metal can be discharged with power plants' wastewater, siding with the agency by finding it moot. [Read more »](#)

Leverage Doesn't Solve Problems, Time Warner CEO Says

AT&T's proposed purchase of Time Warner has nothing to do with gaining "leverage" over rival pay-TV providers and everything to do with tackling the real challenges facing modern television programmers, Time Warner's CEO said in D.C. federal court Wednesday in a step-by-step attack on the U.S. government's merger challenge. [Read more »](#)

Michael Cohen, Wife Owe \$110K Taxes On Taxi Cos., Docs Say

As President Donald Trump's embattled personal attorney Michael Cohen fights an FBI search warrant tied to his personal business dealings in federal court, New York City and state records show Cohen and his wife owe more than \$110,000 in taxes related to NYC taxicab businesses that they own. [Read more »](#)

BANKING & SECURITIES

Feature

Berry Appleman
Cotchett Pitre
Covington & Burling
Cowles & Thompson
Cravath Swaine
Earthjustice
Fisher Phillips
Fox Rothschild
Gibson Dunn
Greenberg Traurig
Grunfeld Desiderio
Hinshaw & Culbertson
Hogan Lovells
Jackson Lewis
Linklaters
Littler Mendelson
McDermott Will
McElroy Deutsch
McGuireWoods
Milbank Tweed
Morris Manning
O'Melveny & Myers
Ogletree Deakins
Park Jensen Bennett
Proskauer Rose
Riley Safer
Ropes & Gray
Sanford Heisler
Schiff Hardin
Seyfarth Shaw
Snell & Wilmer
Spears & Imes
Weinberg Roger
Western Environmental Law
Center
Wiley Rein
WilmerHale
Wilson Elser

IPOs Reach Market More Quickly As SEC Comments Dwindle

Companies saw their initial public offerings move through the Securities and Exchange Commission review process more quickly in 2017, data show, facing fewer comments from regulators as the SEC shifts toward a more capital-formation friendly stance under Chairman Jay Clayton. [Read more »](#)

SEC Commish Warns Of Overreliance On New Market Rules

U.S. Securities and Exchange Commissioner Hester M. Peirce on Wednesday urged a more careful review of market structure reforms proposed by the agency, saying new rules drafted by financial industry regulators often seem designed to "mitigate" problems created by earlier rules. [Read more »](#)

ENERGY & ENVIRONMENTAL

Monument Expansion Overrides Timber Reserves, Group Says

A foresters' group has told a Washington, D.C., federal judge that President Barack Obama's proclamation expanding an Oregon national monument was invalid because it included land that had been set aside for permanent forest production in perpetuity by a Depression-era act of Congress. [Read more »](#)

GOP Sens. Voice Concerns On Groundwater Permit Regs

The Senate Committee on Environment and Public Works held a hearing on Wednesday concerning the federal government's proper role in preventing groundwater pollution under the Clean Water Act, with Republicans on the committee expressing concern over the government exerting too much authority. [Read more »](#)

HEALTH & LIFE SCIENCES

Zelle LLP

COMPANIES

21st Century Fox Inc.

AT&T Inc.

American Academy of Actuaries

American Bar Association

Cable News Network Inc.

Central States Funds

Charter Communications Inc.

Comcast Corporation

Electronic Privacy Information Center

Expedia Inc.

Facebook

Google Inc.

Home Box Office Inc.

JAMS ADR

NBCUniversal Inc.

National Association of Clean Water Agencies

National Cattlemen's Beef Association

National Retail Federation Inc.

National Right to Work Legal Defense Foundation

New York Times Co.

Newegg Inc.

Overstock.com Inc.

Physicians for Social Responsibility

Public Broadcasting Service

Quill Corp.

SIFMA

Sierra Club

SolutionPoint International Inc.

Southern Environmental Law Center

TBS International Limited

Tax Foundation

The City University of New York

Catholic Group Asks 9th Circ. To Allow Birth Control Waiver

A Catholic religious institute has asked the Ninth Circuit to overturn a federal judge's decision to suspend the Trump administration's rules that permit employers to claim religious or moral exemptions to the Affordable Care Act's contraception mandate, saying the new rules fixed a law that hurt religious groups. [Read more »](#)

IP & TECHNOLOGY

USPTO Chief Plans Summer Reveal For AIA Review Changes

U.S. Patent and Trademark Office Director Andrei Iancu told a Senate panel Wednesday that he aims to announce proposed changes to America Invents Act reviews by this summer, and is also looking into ways the office can provide more clarity on what is and is not patent-eligible. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

NYC Black Cars, Limos Can't Block New Wheelchair Rules

A New York federal judge on Wednesday rejected a request from black car and limo operators to block new city regulations requiring the for-hire vehicle industry to dispatch more wheelchair-accessible cars to riders, saying the rules aren't preempted and the operators haven't yet suffered any actual harm. [Read more »](#)

EMPLOYMENT

Feature

Client Push Gets More Firms Into The Labor Lobbying Game

Many employers now demand the opportunity to shape laws and regulations as they're being written rather than simply scrambling to comply after the fact, a desire that has led to an

The DIRECTV Group, Inc.
Time Warner Inc.
TripAdvisor Inc.
Trump Organization Inc.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Chamber of Commerce
United States Olympic Committee
Warner Bros.
Wayfair LLC

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Land Management
Consumer Financial Protection Bureau
Council on Environmental Quality
Department of Commerce
Executive Office for Immigration Review
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Fish and Wildlife Service
Government Accountability Office
Internal Revenue Service
National Labor Relations Board
National Park Service
New York State Department of Taxation and Finance
Pension Benefit Guaranty Corp.
Securities and Exchange Commission
Small Business Administration
Texas Health and Human Services Commission
U.S. Air Force

explosion of competition among large law firms to set up and grow labor and employment lobbying shops. [Read more »](#)

Frustration Roils Hearing On Multiemployer Plans' Fate

A Wednesday hearing intended to teach federal lawmakers about what catapulted roughly 100 multiemployer pension plans to the brink of insolvency occasionally devolved into frustration with two experts who refused to offer opinions on proposals to rescue the plans, which hold about 1.5 million workers' retirement savings. [Read more »](#)

Texas HHSC Gets 1 Of 2 Nurse Pay Discrepancy Suits Nixed

A Texas federal judge on Tuesday tossed the claims of one female nurse who alleged she was paid a lower starting wage than her male colleague, holding that the salary policies of the Texas Health and Human Services Commission prevented more pay, but allowed another female nurse to proceed with her claims. [Read more »](#)

COMPETITION

DirecTV Looks To Exit AT&T-Time Warner Merger Fight

Satellite service provider DirecTV asked a D.C. federal court on Tuesday to dismiss it from the U.S. Department of Justice suit challenging AT&T's planned purchase of Time Warner, arguing that it has no business being in the case since it's a wholly owned subsidiary of the buyer. [Read more »](#)

CONSUMER PROTECTION

Sport Governing Bodies Ignored Sexual Abuse: Olympians

Former Olympians testified Wednesday on Capitol Hill about rampant sexual abuse within multiple sports, including gymnastics, telling lawmakers that organizations in charge

U.S. Army
U.S. Attorney's Office
U.S. Coast Guard
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. Forest Service
U.S. House of Representatives
U.S. Patent and Trademark Office
U.S. Supreme Court

ignored and dismissed reports of abuse. [Read more »](#)

Senate Votes To Roll Back CFPB Auto Lending Rule

A push to ax the Consumer Financial Protection Bureau's 2013 guidance on discrimination in auto lending got one step closer to reality Wednesday after the Senate passed a measure to repeal the rule under the Congressional Review Act. [Read more »](#)

AEROSPACE & DEFENSE

Senate Dems Block Coast Guard Bill Over Water Issues

Senate Democrats voted to block reauthorization of the U.S. Coast Guard on Wednesday, railing against a change to the Clean Water Act they claimed would endanger America's waterways. [Read more »](#)

Air Force To Shake Up Space Center, Speed Up Acquisition

The U.S. Air Force will reorganize its Space and Missile Systems Center in an effort to cut years off the time it currently takes to procure space systems, as part of a broader new push to streamline acquisitions, Air Force Secretary Heather Wilson said. [Read more »](#)

Coast Guard Chief Pushes Back Against Transgender Ban

The U.S. Coast Guard chief, while urging more funding for new ships, told lawmakers that he was committed to allowing transgender members to continue to serve in the Coast Guard unless there is a policy specifically barring their service. [Read more »](#)

INTERNATIONAL TRADE

Analysis

A Flood Of Tariff Exemption Bids Is Giving Attorneys Fits

As importers and foreign producers scramble for a reprieve from the Trump administration's sweeping tariffs on steel and aluminum, attorneys are beginning to confront the challenges in navigating a bureaucratic process that has already been overrun with a wave of exclusion requests. [Read more »](#)

TAX

House Votes Unanimously To Scrap IRS Oversight Board

In a show of bipartisanship, the U.S. House of Representatives voted unanimously on Wednesday in favor of eliminating the Internal Revenue Service's Oversight Board, along with other provisions. [Read more »](#)

Bill To Trash Some Tax Extenders Out By May At Earliest

The House subcommittee responsible for addressing tax extenders may introduce legislation by the end of May that would scrap some of the extenders, the subcommittee's chairman said after leading a closed-door meeting with other members of Congress to address the issue. [Read more »](#)

Privacy Group Starts 2nd Lawsuit Seeking Trump's Tax Info

A Washington, D.C.-based privacy organization on Tuesday sued the Internal Revenue Service in D.C. federal court for a second time over what it called the agency's failure to turn over information related to President Donald Trump's tax records. [Read more »](#)

Reviving \$92.5B In Tax Extenders Needless, Think Tank Says

The Tax Foundation said in a paper Tuesday that if the 26 now-expired tax provisions being reviewed by a House subcommittee became permanent, the 10-year cost of doing so would be around \$92.5 billion, but it said some provisions were no longer necessary and

others should be allowed to expire. [Read more »](#)

IMMIGRATION

ABA Head Advocates For Independent Immigration Judiciary

Hilarie Bass, American Bar Association president and co-president of Greenberg Traurig LLP, was among the attendees Wednesday at a Senate Judiciary Committee hearing urging Congress to overhaul the nation's immigration courts, touting the value of an independent judiciary. [Read more »](#)

Trump Defends Travel Ban To Justices As Oral Args Loom

The Trump administration continued to defend its ban on travel to the United States by nationals from several Muslim-majority countries at the U.S. Supreme Court on Wednesday, contending in a reply brief that it was a lawful response to a multiagency review process and had nothing to do with religion. [Read more »](#)

Dems Slam DOJ On Due Process Protections For Immigrants

Democrats on the House and Senate Judiciary committees in a letter Tuesday urged the U.S. Department of Justice to back off on its recent moves to set performance quotas for immigration judges and to terminate the Legal Orientation Program, saying the agency is tearing down due process protections for immigrants. [Read more »](#)

9th Circ. Urged To Uphold Block On DACA Rollback

The University of California Board of Regents and the city of San Jose told the Ninth Circuit on Tuesday that the rollback of the Deferred Action for Childhood Arrivals program requires the comment and scrutiny of the public, urging

the panel to block its rescission and implement notice-and-comment procedures. [Read more »](#)

TELECOMMUNICATIONS

Senators Ask FCC For New Robocall Rules, Introduce Bills

A group of senators asked the Federal Communications Commission on Wednesday to enact consumer safeguards to stem an "onslaught" of unwanted automated calls and texts, the same day robocall legislation was introduced and a Senate committee grilled a robocaller dragged to the hearing by subpoena. [Read more »](#)

Senators Seek Info On Mystery Cell Surveillance In DC

A bipartisan group of senators on Wednesday called on the U.S. Department of Homeland Security to publicize information about potential cellphone surveillance in the Washington, D.C., area, saying in a letter the public should know more about the mysterious devices at the heart of the issue. [Read more »](#)

WHITE COLLAR

Theft Charges Violate House Rules, Ex-Ill. Rep. Tells 7th Circ.

An attorney for ex-Illinois Rep. Aaron Schock on Wednesday told the Seventh Circuit that federal prosecutors had overstepped their bounds in their case accusing the former congressman of stealing government funds, in arguments that leaned heavily on government separation of powers. [Read more ½ B](#)

PEOPLE

Cohen, Feds Name Special Master Picks To Audit Seized Docs

President Donald Trump's attorney Michael Cohen and federal prosecutors both submitted candidates for a possible "special master" to review materials the FBI seized from Cohen,

with the government suggesting three retired magistrate judges and Cohen naming four former federal prosecutors, including a former top SEC enforcer. [Read more »](#)

EXPERT ANALYSIS

The Latest Defeat Of Trump's 'Sanctuary' City Policies

Based on a California federal judge's recent decision in *City of Los Angeles v. Sessions*, prohibiting the U.S. Department of Justice from using a locality's cooperation on immigration enforcement to determine eligibility for grants, it appears the Trump administration's "sanctuary" city initiatives are likely to remain tied up in or blocked by litigation, says Jeffrey Gorsky of Berry Appleman & Leiden LLP. [Read more »](#)

Spending Bill Includes Unique Path To Conservation Goals

Buried deep inside the recently passed Consolidated Appropriations Act, legislation reviving the formerly expired Federal Land Transaction Facilitation Act offers opportunities for potential purchasers of federal public lands, while also creating a source of funding for important conservation transactions, says John Andrews of Snell & Wilmer LLP. [Read more »](#)

Status Update On 'One Federal Decision' Project Reviews

Last week, a dozen federal agencies signed a memorandum of understanding committing to a more coordinated and streamlined federal review process. But because there have been no changes to underlying statutory requirements, each agency will still have to determine that a project review meets its respective legal obligations, say Raya Treiser and Nathaniel Custer of WilmerHale. [Read more »](#)

At Wayfair Args, Justices Seem Hesitant To Overturn Quill

The South Dakota v. Wayfair oral argument was lively, to say the least. While the justices' comments indicate that the U.S. Supreme Court is divided about the appropriate response to the South Dakota law at the heart of this matter, based on the arguments, a ruling to affirm the status quo and hold for the taxpayers would not be surprising, say Clark Calhoun and Kendall Houghton of Alston & Bird LLP. [Read more »](#)

Best Practices For Building A Better Meeting

How can we improve meetings in the legal industry, which tends to evolve with the speed of a tranquilized water buffalo mired in quicksand? Breaking it down to three phases can yield significant benefits, says Nicholas Cheolas of Zelle LLP. [Read more »](#)

LEGAL INDUSTRY

EXCLUSIVE: Riley Safer Elects First Black Female MP

Riley Safer Holmes & Cancila LLP has elected its first African-American female managing partner, potentially marking a racial barrier-breaking first for the industry, Law360 has learned exclusively. [Read more »](#)

El Paso Appellate Backlog Prompts Case Transfers

The Texas Supreme Court took a first-of-its-kind step last week, transferring more than 80 fully briefed cases away from the Eighth Court of Appeals in El Paso — some that have been pending for more than two years — as the court works to clear a backlog. [Read more »](#)

Let Judge See Mediator's Notes, Proskauer Atty Tells 2nd Circ.

An attorney at Proskauer Rose LLP who anonymously accused the firm of gender discrimination told the Second Circuit on Wednesday a lower judge was wrong to reject her request for a mediator's notes that she

believes prove her claim the firm threatened to fire her, saying the judge should determine if they're relevant. [Read more »](#)

Judge's Killer Must Die, 11th Circuit Rules

The Eleventh Circuit Wednesday agreed with a lower court's decision to uphold the execution, scheduled for Thursday, of pipe bomber Walter Leroy Moody Jr., who killed an Eleventh Circuit judge in 1989, while disagreeing with the lower court's reasoning. [Read more »](#)

JOBS

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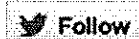
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Monday, April 23, 2018



TOP NEWS

Analysis

Possible Trouble On Horizon For ALJs In High Court Case

A ruling by the U.S. Supreme Court that the U.S. Securities and Exchange Commission's administrative law judges were hired in violation of the Constitution would likely open up some past ALJ decisions to challenges, legal experts agree, but the fallout should be limited to cases still pending judicial review, whereas defendants whose cases are already final could be out of luck. [Read more »](#)

Feature

Litigation Funding Isn't Just For The Little Guy Anymore

As their industry gains acceptance and a greater foothold in the legal marketplace, commercial litigation financing firms are finding themselves not only helping Davids level the playing field, but also Goliaths with respect to better managing risk and deploying their resources more strategically. [Read more »](#)

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LAW FIRMS

Allen & Overy
Alston & Bird
Arnold & Porter
Baldwin Crocker
Ballard Spahr
Bernstein Litowitz
Boies Schiller

Feature

Mapping The Travel Ban's Journey To The High Court

Next week, the U.S. Supreme Court will hear oral arguments over the extent of the president's power to control immigration policy and whether President Donald Trump has shown anti-Muslim animus in a case challenging the most recent version of his travel ban. With all eyes turning to the justices, here is a play-by-play of how we got here. [Read more »](#)

Dems Look To Shield Offshore Rules From Trump Rollback

Eight years after the Deepwater Horizon disaster that killed 11 and sent plumes of oil spraying into the Gulf of Mexico for months, a group of Democratic senators Thursday proposed codifying two Obama-era rules aimed at tightening regulations for offshore drilling after the Trump administration moved to reconsider them. [Read more »](#)

Analysis

Undoing CFPB Guidance May Yield Unintended Effects

The U.S. Senate's recent passage of a measure to scrap Consumer Financial Protection Bureau guidance on auto lending has been framed by supporters as a business-friendly move to rein in a rogue agency, but some experts say this use of the Congressional Review Act could lead to greater uncertainty and more regulation by enforcement. [Read more »](#)

Feature

3 Years Later: Is Tribal Recognition Still 'Broken'?

Nearly three years have passed since the U.S. Department of the Interior revised its regulations for tribes seeking federal acknowledgment in order to fix a process the DOI's own officials called "broken," and although those revisions have made the agency more transparent and responsive,

Brown Rudnick
Buckley Beal
Cantey Hanger
Casillas Santiago
Cohen Milstein
Cooper & Kirk
Cravath Swaine
Crowe & Dunlevy
Day Pitney
Dentons
Dickinson Wright
Elliott Greenleaf
Eversheds Sutherland
Florio Perrucci
Fried Frank
Gibson Dunn
Goodwin
Haynes and Boone
Hogan Lovells
Hunton Andrews Kurth
Jones Day
K&L Gates
Katten Muchin
Kirkland & Ellis
Klee Tuchin
Latham & Watkins
LeClairRyan
Lewis Rice
Mayer Brown
McDermott Will
McGuireWoods
Morgan Lewis
Mumphy Law Firm LLC
Native American Rights Fund
Nixon Peabody
Paul Hastings
Paul Weiss
Perkins Coie

many tribes with strong claims to recognition may still be left out in the cold, experts say. [Read more »](#)

ENERGY & ENVIRONMENTAL

Monsanto Appeal Can't Keep Herbicide Off Calif. Cancer List

A California appeals court on Thursday refused to revive Monsanto Co.'s lawsuit challenging a state agency's inclusion of the herbicide glyphosate on a list of carcinogens, which could require the company to put warning labels on its popular Roundup weed killing products because glyphosate is an active ingredient. [Read more »](#)

Fed. Circ. Says Taking Claim Fails In Katrina Flooding Fight

The federal government can't be held liable for damage caused by Hurricane Katrina-related flooding under the Fifth Amendment based on lackluster maintenance of a navigation channel, the Federal Circuit ruled Friday, reversing a U.S. Court of Federal Claims decision. [Read more »](#)

NJ Gov. Signs Law Banning Offshore Drilling

Newly minted New Jersey Gov. Phil Murphy signed into law a bipartisan bill on Friday that bans offshore oil and gas drilling in the state's waters and beyond, a move that comes as a rebuke to the Trump administration's efforts to undo Obama-era restrictions on the activity in the Atlantic and Pacific oceans. [Read more »](#)

Exxon Takes AG Climate Probe Fight To 2nd Circ.

Oil giant ExxonMobil said Friday it will appeal to the Second Circuit a New York federal judge's dismissal of its suit claiming the attorneys general of New York and Massachusetts conspired to violate its free

Quinn Emanuel
Robbins Russell
Ropes & Gray
Rosette LLP
Sam P. Israel PC
Saul Ewing
Skadden
Slack Davis
Squire Patton Boggs
Sterne Kessler
Stroock & Stroock
Willkie Farr
WilmerHale
Zelle LLP

COMPANIES

AT&T Inc.
Accenture plc
Aetna Inc.
American Bar Association
American Cable Association
American Civil Liberties Union
American Intellectual Property Law Association
American Petroleum Institute Inc.
Burford Capital LLC
Career Education Corporation
Center for American Progress
Comcast Corporation
Costco Wholesale Corporation
Deloitte Touche
Democratic National Committee
Electronic Privacy Information Center
Eli Lilly and Company
Equifax Inc.
Exxon Mobil Corporation
Facebook
FactSet Research Systems Inc.

speech rights on climate change issues by investigating the company. [Read more »](#)

Senate Dems Press For Info On Koch Ties To Trump Policies

Senate Democrats have demanded information from President Donald Trump and several federal agencies including the EPA and the U.S. Department of Labor concerning the alleged "sweeping infiltration" of the current administration by the Koch brothers and their affiliates, Sen. Sheldon Whitehouse, D-R.I., announced Friday. [Read more »](#)

NY Beefs Up Energy Efficiency Targets To Drive GHG Cuts

New York Gov. Andrew Cuomo on Friday unveiled a new energy efficiency target that aims to significantly slash buildings' energy use by 2025, saying the reductions will help the Empire State reach the goal of cutting its greenhouse gas emissions by 40 percent from 1990 levels by 2030. [Read more »](#)

HEALTH & LIFE SCIENCES

FDA Offers Guidance On Making Opioid Addiction Treatments

The U.S. Food and Drug Administration released draft guidance Friday outlining ways drug companies can develop new medications to treat opioid addiction, focusing on how companies can create modified-release drugs that are either implanted or injected. [Read more »](#)

7th Circ. Says Indiana Abortion Law Is Unconstitutional

The Seventh Circuit found most of an Indiana law banning abortions based on a fetus' race, sex or disability unconstitutional Thursday, handing a win to Planned Parenthood as it affirmed a district court's ruling striking down the bulk of the law. [Read more »](#)

Fortress Investment Group LLC
Garden City Group Inc.
Google Inc.
Grant Thornton LLP
HP Inc.
Huawei Technologies
IMF Bentham Ltd.
IP Owners Association
Instagram Inc.
International Business Machines Corporation
Johnson & Johnson
Jones Lang LaSalle Inc.
Kaspersky Lab Ltd.
Koch Industries Inc.
Kroll Bond Rating Agency Inc.
Lucas Group
Major Lindsey & Africa
Microsoft Corporation
Miller Buckfire & Co. LLC
Monsanto Company
Moody's Corporation
NBCUniversal Inc.
National Congress of American Indians
National Consumer Law Center
Natural Resources Defense Council
Planned Parenthood Federation
PricewaterhouseCoopers
Public Company Accounting Oversight Board
SAP AG
Sierra Club
Sinclair Broadcast Group, Inc.
Southwest Airlines Co.
SuccessFactors, Inc.
The Boeing Company
The Coca-Cola Company

Pa. Court Won't Derail State's Medical Marijuana Program

A Pennsylvania court agreed on Friday that a company that lost out on a potentially lucrative cannabis dispensary permit needed to exhaust administrative remedies before it could file suit challenging the constitutionality of the application process for the state's new medical marijuana program. [Read more »](#)

Experts Look To Congress To Stem Patent-Eligibility 'Chaos'

The U.S. Supreme Court's patent-eligibility decisions like *Alice* have caused "total chaos" that diminishes patent protection for software and medical diagnostics, and it may be time for Congress to step in, the former director of the USPTO and other patent leaders said at a conference Friday. [Read more »](#)

Tax Critic Laments Federal Code's Effect On Marijuana Market

A tax critic told a marijuana conference Friday that current tax laws are unfairly hampering the legal marijuana industry by making cannabis dispensaries subject to a provision that disallows tax deductions for entities involved in the trafficking of illegal products. [Read more »](#)

COMPETITION

The Big Picture: DOJ's Bid To Halt AT&T's Time Warner Deal

Antitrust legal eyes are glued to the first U.S. Department of Justice court challenge to a purely vertical merger since the 1970s, a deal AT&T and Time Warner say they need just to stay competitive but which the government says will drive up consumers' TV bills by hundreds of millions of dollars. Here, Law360 looks at how we got here, the key issues to watch and the highlights of the trial so far. [Read more »](#)

CONSUMER PROTECTION

The DIRECTV Group, Inc.
Time Warner Inc.
Tribune Media Co.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Chamber of Commerce
Verizon Communications
Wayfair LLC
ZTE Corp.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
California Attorney General's Office
California Environmental Protection Agency
Congressional Budget Office
Consumer Financial Protection Bureau
Eastern Shoshone Tribe
European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Housing Administration
Federal Judicial Center
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
Indiana Department of Health
Internal Revenue Service
National Institutes of Health
National Labor Relations Board
National Transportation Safety Board

Ed Dept. Hiding Ties To For-Profit Colleges, Nonprofit Claims

The National Consumer Law Center sued the U.S. Department of Education in Massachusetts federal court Thursday, claiming the agency has illegally denied it access to public documents that reveal the for-profit college industry has driven the government to stall new regulations that help student loan borrowers. [Read more »](#)

CYBERSECURITY & PRIVACY

Senator Wants Fines, Tighter Leash On Facebook By FTC

A Democratic senator is pushing the Federal Trade Commission to fine and tighten its oversight of Facebook in the wake of revelations that Cambridge Analytica harvested 87 million unwitting Facebook users' data, while a privacy group is separately pressuring the commission to release the full versions of independent audits of Facebook's privacy practices. [Read more »](#)

Many Cos. Likely Won't Be Ready For GDPR, Survey Finds

The European Union's sweeping new data regime is set to take effect next month, but many companies aren't on track to be in compliance by the deadline, according to a McDermott Will & Emery LLP-sponsored study released Friday, with almost half of the businesses surveyed saying they don't expect to be ready. [Read more »](#)

DNC Sues Trump Campaign, Russia Over 2016 Election Hacks

The Democratic National Committee filed suit Friday in New York federal court accusing the Russian government, the Trump campaign and WikiLeaks of conspiring to hack the Democratic Party and doom Hillary Clinton's chances at the 2016 presidential election. [Read more »](#)

New Jersey Department of Environmental Protection
New York Attorney General's Office
New York State Department of Public Service
Northern Arapaho Tribe
Omaha Tribe of Nebraska
Pennsylvania Department of Health
Pennsylvania Supreme Court
Port Authority of New York & New Jersey
Securities and Exchange Commission
Shinnecock Indian Nation
Solicitors Regulation Authority
U.S. Army
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Education
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Housing and Urban Development
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
United Nations
World Health Organization
Wyoming Attorney General's Office

GOVERNMENT CONTRACTS

Whistleblower Claim Window Would Quadruple In Pa. Bill

A Pennsylvania lawmaker introduced a bill Thursday that would quadruple the window for claims brought under the state's whistleblower law and allow for punitive damage awards to workers. [Read more »](#)

AEROSPACE & DEFENSE

Navy Sec. Seeks Way To Keep Adversaries Out Of DOD Deals

Navy Secretary Richard Spencer at a Senate panel hearing Thursday called on the U.S. Department of Defense to develop an algorithm to detect and prevent instances of adversaries accessing sensitive information through contracts, pointing to a close call involving Chinese telecommunication equipment company Huawei Technologies. [Read more »](#)

Analysis

Rare Southwest Engine Failure Prompts Liability Questions

The death of a Southwest Airlines passenger following a midair engine explosion marked the first U.S. commercial airline fatality in nine years, sparking liability questions for the carrier and aircraft and parts manufacturers along with heightened scrutiny of aircraft inspection and maintenance protocols, legal experts say. [Read more »](#)

TAX

Analysis

New VAT Rates May Help China Retain Multinational Firms

A seemingly small change to China's value-added tax rates set to go into effect next month may not be enough to give China an edge over the U.S. in drawing new businesses, but it

could encourage existing multinational businesses to stay put. [Read more »](#)

Analysis

Politics Of Online Taxation Put Wayfair Case In High Court

The issue of how states may tax remote sellers — a policy concern — arrived at the U.S. Supreme Court because the politics of getting legislation through Congress have proved nearly impossible, experts say. [Read more »](#)

TCJA Will Be Boon To Foreign Investors, CBO Estimates

Foreign investors stand to reap 43 percent of the economic benefits from the federal tax overhaul's effects on federal tax law during the next 11 years, according to a recent report from the Congressional Budget Office. [Read more »](#)

BANKRUPTCY

Feature

Puerto Rico Sales Tax Bond Fight Sparks Muni Market Anxiety

Municipal bond investors are paying close attention to what happens in a pending court fight over the validity of bondholder liens on Puerto Rican sales tax, experts say, warning of widespread consequences should investments thought to be bankruptcy-proof turn out otherwise. [Read more »](#)

IMMIGRATION

No Asylum For Cameroon Gay Rights Backer, 11th Circ. Says

The Eleventh Circuit refused to hear arguments Thursday by a Cameroonian man after the Board of Immigration Appeals turned down his bid for asylum, finding that he did not suffer persecution by the African nation's police for his views on gay rights. [Read more »](#)

NATIVE AMERICAN

Wyo. City, County Urge Justices To Snub Tribes' Land Suits

A Wyoming county and city urged the U.S. Supreme Court on Friday to reject bids by two Native American tribes to overturn a Tenth Circuit decision that shrank their shared Wyoming reservation, saying the ruling didn't create a circuit split and that the language of a 1905 law at issue in the case is like that in other laws that diminished the size of reservations. [Read more »](#)

TELECOMMUNICATIONS

Despite Fog, FCC's Net Neutrality Deregulation Still Pending

Despite widespread confusion on when the FCC's net neutrality deregulation will take effect, the Obama-era web management rules will remain in place until a White House office approves certain transparency requirements included in the deregulation package, agency officials have confirmed to Law360. [Read more »](#)

DC Circ. Skeptical Of FCC's Rationale To Restore UHF Break

A D.C. Circuit panel grilled the Federal Communications Commission Friday over its revival of an obsolete technical distinction that lets broadcasters reach a higher percentage of U.S. households, as the FCC claimed "procedural discretion" for a holistic approach to address what it considers a too-restrictive cap on broadcaster reach. [Read more »](#)

Philly's Satellite Dish Rules Are Too Broad, FCC Rules

The Federal Communications Commission found little love for Philadelphia's ordinance restricting the placement of satellite dishes, ruling that the city's law ran afoul of federal rules for placement of the devices. [Read more »](#)

WHITE COLLAR

Fired FBI Deputy McCabe Getting Legal Defense Fund

Andrew McCabe's lawyer announced Friday the creation of a legal defense fund for the fired FBI deputy director and frequent target of President Donald Trump who is now considering civil litigation against the administration even as federal prosecutors mull a referral for criminal charges. [Read more »](#)

Analysis

GWB Scandal Figures Challenge Statute's Reach In 3rd Circ.

Two former associates of ex-New Jersey Gov. Chris Christie will call on the Third Circuit during oral arguments Tuesday to rein in prosecutors' novel application of an anti-theft and anti-bribery statute to criminalize their alleged scheme to reduce local access lanes to the George Washington Bridge as an act of political revenge. [Read more »](#)

EXPERT ANALYSIS

If Lucia Wins On SEC Judges, What Comes Next?

The U.S. Supreme Court is set to consider in *Raymond J. Lucia v. SEC* whether the U.S. Securities and Exchange Commission's previous hiring of administrative law judges violated the Constitution. Let's look at two issues on the horizon if the answer is yes, says Daniel Walfish of Walfish & Fissell LLP. [Read more »](#)

3 Things To Know About USPTO's New Memo On Eligibility

In light of the Federal Circuit's decision in *Berkheimer v. HP*, the U.S. Patent and Trademark Office has issued a new memorandum regarding subject matter eligibility. Patent practitioners now have a new tool to combat patent-ineligibility challenges,

say Michelle Holoubek and Lestin Kenton of Sterne Kessler Goldstein & Fox PLLC. [Read more »](#)

New Remedial Actions For Tax-Advantaged Bonds And P3s

Under an IRS revenue procedure issued on April 11, 2018, issuers of tax-advantaged bonds have new remedial actions available to them to cure unqualified uses that previously would result in loss of tax-advantaged status. Attorneys at Nixon Peabody LLP explain the new procedures. [Read more »](#)

Rule 23 Changes: Avoid Delays In Class Settlement Approval

Among the proposed amendments to Rule 23 of the Federal Rules of Civil Procedure, which are scheduled to take effect Dec. 1, are specific requirements related to "front-loading." They outline the process for seeking preliminary court approval of class action settlements and related notice plans, say Shandarese Garr and Niki Mendoza of Garden City Group LLC. [Read more »](#)

LEGAL INDUSTRY

Dentons Under Scrutiny After UK Maternity Leave Spat

The Solicitors Regulation Authority is looking into the conduct of some Dentons UKMEA LLP human resources managers that came to light during a gender discrimination dispute last year, a spokesperson for the U.K. legal regulatory body confirmed on Friday. [Read more »](#)

Analysis

Why More BigLaw Firms May Start Ditching Annual Reviews

At least two global law firms are doing away with their annual associate reviews in favor of ongoing, associate-initiated performance

evaluations, a new approach that may be the wave of the future for law firms. [Read more = 2](#)

Federal Judge's Killer Executed After High Court Flurry

A man who killed an Eleventh Circuit judge and a black civil rights lawyer in 1989 using mail bombs was executed Thursday night in Alabama, following an eleventh-hour stay issued by the U.S. Supreme Court earlier in the day that was later vacated. [Read more »](#)

Alston & Bird Settles \$35M Ga. Malpractice Suit

A former confidant and employee of a widowed Coca-Cola executive's wife and Atlanta-based Alston & Bird LLP have agreed to end that woman's \$35 million Georgia state malpractice suit in a settlement, the plaintiff's lawyer said Friday. [Read more »](#)

GC Cheat Sheet: The Hottest Corporate News Of The Week

Taking the measure of President Trump's "Buy America, Hire America" mandate after one year, the general counsel of FactSet weighs in on the European Union's upcoming General Data Protection Regulation, and a settlement between Uber and regulators could change the way companies think about data breaches. These are some of the stories in corporate legal news you may have missed in the past week. [Read more = 2](#)

Podcast

Law360's Pro Say: The Michael Cohen Saga, Explained

On the latest episode of Law360's Pro Say podcast, we dig in to some intriguing aspects of the raid on the offices of President Trump's personal lawyer, including the impact on attorney-client privilege and Michael Cohen's high-dollar BigLaw connection. Also this week, we discuss a big Supreme Court case that could have a huge impact on how online retailers pay sales tax and a case that could

turn courtroom theater into actual Broadway theater. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

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Sent: Friday, April 27, 2018 4:41 AM
To: Rep48
Subject: Trump Taps Judges For 2nd, 4th Circuits



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Friday, April 27, 2018



TOP NEWS

Trump Taps Judges For 2nd, 4th Circuits

State and federal judges dominated the list of the administration's nominees to federal courts announced Thursday, as President Donald Trump seeks to fill vacancies in the Fourth and Second Circuits, as well as courts in Florida and the Court of Federal Claims. Read more = 2

Corporations Must Help Fight Cyber Threats, Deputy AG Says

Amid concerns about the nation's cybersecurity and threats from foreign hackers, American corporations should cooperate with the U.S. Department of Justice to defend against criminal activity, Deputy Attorney General Rod Rosenstein told a conference of corporate and insurance defense attorneys Thursday. Read more »

Analysis



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LAW FIRMS

Akin Gump

Anthony Kennedy PC

Baker Donelson

SD Online Tax Law Could Serve As Model For Other States

States would be wise to use South Dakota's remote seller taxation law as a road map for their own statutes if the state prevails in its landmark case before the U.S. Supreme Court, experts say [Read more »](#)

Senate Panel Advances Bill To Protect Special Counsel Mueller

The Senate Judiciary Committee approved a bill to protect Special Counsel Robert Mueller on Thursday, sending the controversial measure to the full chamber, where it is opposed by the Senate's leader and is likely to languish without coming to a final vote. [Read more »](#)

Ex-Judge At Bracewell To Hear Cohen's Privilege Claims

Former federal judge Barbara Jones of Bracewell LLP was appointed special master Thursday to hear disputes among federal prosecutors, President Donald Trump and Trump's lawyer Michael Cohen over potentially privileged materials seized from Cohen by the FBI. [Read more »](#)

BANKING & SECURITIES

SEC May Expand 'Testing The Waters' Benefits To All Issuers

To help spur initial public offerings, the U.S. Securities and Exchange Commission is considering giving all companies access to "testing the waters" benefits, which give certain issuers more leeway to discuss potential IPOs with investors, an agency official told lawmakers Thursday. [Read more »](#)

Wall Street Groups Urge Reforms To Reverse IPO Decline

Seeking to reverse a decline in initial public offerings, Wall Street trade group the Securities Industry and Financial Markets Association and several partners published a

Baker McKenzie
Berry Appleman
Bracewell
Brann & Isaacson
Carlton Fields
Covington & Burling
Cravath Swaine
Crowe & Dunlevy
DLA Piper
Davis Polk
Davis Wright Tremaine
Fish & Richardson
Fisher Boyd
Gibson Dunn
Goldstein & Russell
Greenberg Traurig
Hagens Berman
Irell & Manella
Jones Day
Kirkland & Ellis
Kozacky Weitzel
Lanier Law Firm
Littler Mendelson
Mayer Brown
McDermott Will
Michelman & Robinson
Morgan Lewis
Neblett Beard
Nelson Mullins
Nexsen Pruet
O'Melveny & Myers
Pashman Stein
Paul Weiss
Perkins Coie
Podhurst Orseck
Proskauer Rose
Riley Safer
Sanford Heisler

slew of reform recommendations Thursday aimed at making public markets more attractive to companies. [Read more »](#)

ENERGY & ENVIRONMENTAL

EPA's Pruitt Faces Tough Ethics Questions On Capitol Hill

House Republicans largely gave embattled U.S. Environmental Protection Agency Administrator Scott Pruitt the kid glove treatment during two hearings on Thursday, praising him for actions such as rescinding the Clean Power Plan and the Clean Water Rule, but he couldn't avoid scores of questions over a series of ethics scandals. [Read more »](#)

Exxon Says NYC Filed Climate Suit In Wrong Venue

ExxonMobil Corp. told a New York federal court that it should not have to face the Big Apple's lawsuit accusing it and four other fossil fuel producers of worsening the impact of climate change and downplaying its risks because the case was filed in the wrong place. [Read more »](#)

IP & TECHNOLOGY

Happy World IP Day: Trump Hints At Changes To US System

The White House marked World Intellectual Property Day on Thursday with a proclamation from President Donald Trump that his administration will take steps to strengthen the U.S. patent system while also "aggressively" responding to the theft of American intellectual property abroad. [Read more »](#)

11th Circ. Transfers GOP Suit Over SEC Regs To DC Circ.

The Eleventh Circuit said Thursday it could not rule on three state Republican parties' challenge to a rule governing when certain regulated agents who have made political donations can solicit the receiving officials'

Schiff Hardin
Seeger Weiss
Sidley Austin
Simmons Hanly
Slater & Gordon
Spears & Imes
Steptoe & Johnson LLP
Walder Hayden

COMPANIES

AT&T Inc.
Altice SA
Amazon.com Inc.
American Bar Association
American Civil Liberties Union
American Immigration Lawyers Association
American Superconductor Corporation
Anchorage Capital Group LLC
Apple Inc.
Arab Bank PLC
Attorneys' Liability Assurance Society
Australian Securities Exchange
BP p.l.c.
CSX Corporation
CTIA
Cable-Satellite Public Affairs Network
Consumer Reports
DISH Network Corporation
Financial Industry Regulatory Authority Inc.
Ford Foundation
Ford Motor Company
GSM Association
General Electric Capital Corp.
Hobby Lobby Stores
Information Services Group Inc.

agencies on behalf of investment advisers, after dismissing Georgia's Republican Party for lack of jurisdiction. Read more »

MEDIA & ENTERTAINMENT

III. Sheriff Wants Attys Sanctioned After Backpage's Plea

An Illinois county sheriff facing a First Amendment suit filed by Backpage.com asked a federal judge to slap the classified ad site and its counsel with sanctions Thursday, saying the CEO's admission that the site enabled prostitution means its whole suit was based on lies Read more »

TRANSPORTATION & INFRASTRUCTURE

House Sets Up Tweaked FAA Reauthorization For Final Vote

The U.S. House of Representatives adopted a series of tweaks to the five-year reauthorization of the Federal Aviation Administration on Thursday, setting the measure up for a final vote Friday. Read more »

New Fees, Regs For Uber Under Calif. PUC Reclassification

Uber Technologies Inc. will now be regulated in its home state like limousines and tour buses after the California Public Utilities Commission tweaked the ride-hailing giant's classification on Thursday, ruling that Uber is both a transportation network company and a charter party carrier. Read more »

EMPLOYMENT

No Consensus On Labor Law's Future After House Hearing

Lawmakers and witnesses at a U.S. House of Representatives subcommittee hearing on Thursday on modernizing federal labor law agreed that the law needs updating but

Institutional Shareholder Services Inc.

International Association of Defense Counsel

International Brotherhood of Teamsters

JAMS ADR

Johnson & Johnson

KPMG International

Ketchum Inc.

Lehman Brothers Holdings Inc.

Liverpool Victoria Friendly Society Ltd.

MasterCard Incorporated

McKinsey & Company

NASDAQ OMX Group Inc.

National Conference of State Legislatures

National Congress of American Indians

National Employment Law Project
Nestle

New York Post

New York Times Co.

New York University

Oil States International Inc.

Penske Corp.

Public Knowledge

Quill Corp.

Raytheon Company

Ritz-Carlton Company LLC

Ryman Hospitality Properties Inc.

SAS Institute

SIFMA

Sharp Corp.

Shazam Entertainment Ltd.

Sovos Compliance LLC

Suddenlink Communications

Tax Foundation

disagreed on how, as Republicans argued for more checks on unions and Democrats pushed to hammer employers that violate the National Labor Relations Act. [Read more »](#)

COMPETITION

Senate Confirms 5 Nominees To FTC, Including Chair

The U.S. Senate confirmed five nominees to the Federal Trade Commission on Thursday, providing reinforcement to the depleted commission. [Read more »](#)

AT&T-Time Warner Judge Balks At DOJ's Doc Dump

The D.C. federal judge overseeing the bench trial over AT&T's attempt to buy Time-Warner complained Thursday about a four-inch-thick wad of documents the U.S. Department of Justice wants included in its antitrust challenge to the merger, describing the government's late-hour request as a "dump on the court." [Read more »](#)

EU's Vestager Warns Data Rules Not Enough To Improve Tech

The head of Europe's competition watchdog cautioned Thursday that new data rules designed to boost privacy protections were no substitute for competition in the tech sector, while discussing the agency's recent enforcement actions taken against digital companies. [Read more »](#)

Dems Pitch Bills To Promote Competition In Employment

House Democrats revealed a package of legislation on Thursday aimed at curbing anti-competitive employment practices that would ban noncompete and no-poach agreements and require merger reviews to include scrutiny of a deal's potential impact on employment and wages. [Read more »](#)

AEROSPACE & DEFENSE

The DIRECTV Group, Inc.
The Western Reserve Group
Time Warner Inc.
Tribune Media Co.
Trump Organization Inc.
Turner Broadcasting System Inc.
U.S. Chamber of Commerce
UBS AG
Uber Technologies Inc.
Verizon Communications
Viacom Inc.
Wal-Mart Stores Inc.
Wayfair LLC
Wells Fargo & Co.
Yale University

GOVERNMENT AGENCIES

Alabama Department of Revenue
Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
Bureau of Indian Education
California Public Utilities Commission
Consumer Financial Protection Bureau
Defense Contract Audit Agency
Defense Information Systems Agency
European Commission
European Union
Executive Office for Immigration Review
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Trade Commission
Indian Health Service

House Military Panels Push More Ships, Better Cybersecurity

The House Armed Services subcommittees marked up proposals for their parts of the 2019 National Defense Authorization Act Thursday, putting forward suggestions such as more ship purchases for the Navy and an increased focus on cybersecurity, while pushing back against an Air Force plan to retire its JSTARS aircraft. [Read more »](#)

Sen. Slams Alleged DOD Mismanagement Of Afghan Program

Sen. Claire McCaskill, D-Mo., released a report Thursday slamming the U.S. Department of Defense for its allegedly poor contracting practices on an Afghanistan counterintelligence support deal where a subcontractor racked up more than \$51 million in questionable costs, and railing against that subcontractor's continued eligibility for federal contracts. [Read more »](#)

INTERNATIONAL TRADE

BEAT May Flout Global Trade, Treaty Rules, Specialists Say

The federal tax overhaul's base erosion and anti-abuse measure likely violates international treaty and trade rules aimed against preferential treatment for domestic businesses, practitioners said Wednesday at a conference in New York. [Read more »](#)

US Pols Getting Antsy As NAFTA Talks Enter Crucial Phase

U.S., Canadian and Mexican officials continued huddling Thursday to advance the North American Free Trade Agreement negotiations peppered with a fresh set of demands from congressional lawmakers, who seek changes to the deal's rules covering labor, the environment, digital trade and agriculture. [Read more »](#)

Internal Revenue Service
Massachusetts Department of Revenue
Match-E-Be-Nash-She-Wish Band of Pottawatomi
NAFTA
Office of Labor-Management Standards
Office of the U.S. Trade Representative
Ohkay Owingeh
Oneida Indian Nation
Port Authority of New York & New Jersey
Securities and Exchange Commission
Special Inspector General for Afghanistan Reconstruction
U.S. Department of Agriculture
U.S. Department of Defense
U.S. Department of Education
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House Committee on Energy and Commerce
U.S. House of Representatives
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
White Mountain Apache Tribe

TAX

11th Circ. Narrows Rail Co.'s Sales Tax Win Against Alabama

The Eleventh Circuit clarified its month-old opinion that Alabama taxes discriminate against rail carriers with a limiting revision Wednesday, specifying that the opinion applies to the transportation of interstate freight. [Read more »](#)

DC Circ. Questions Foreign Tax Treatment Of Bearer Shares

An international shipping company urged a D.C. Circuit panel Thursday to grant it the chance to prove it is owned predominantly by residents of other countries, despite the fact its stock is issued in hard-to-trace bearer shares. [Read more »](#)

Multistate Tax Commission Seeks Input On Remote Sellers Tax

The Multistate Tax Commission voted Thursday to move forward with public hearings on a proposed statute that would standardize how remote retailers report customer purchasing data and tax liabilities to states. [Read more »](#)

Newark Discloses Amazon HQ Bid Amid Public Records Suit

Newark released a redacted version Wednesday of its bid to land Amazon's second U.S. headquarters amid a lawsuit from an open-government activist over the efforts of New Jersey's largest city to shield the document from public view, according to the man's attorney. [Read more »](#)

BANKRUPTCY

Puerto Rican Unions Sue To Void Restructuring Proceedings

A handful of nonprofits and labor unions have hit Puerto Rico's embattled federal oversight board with a lawsuit that seeks to disband it,

World Intellectual Property
Organization

World Trade Organization

calling the board a "reckless, dictatorial and racist" entity that's unconstitutional and riddled with conflicts of interest. [Read more »](#)

IMMIGRATION

Sessions Backs Off Freezing Legal Aid For Detainees

U.S. Attorney General Jeff Sessions said Wednesday he has backed off freezing a legal aid program that informs detained immigrants about their constitutional rights, following pushback from lawmakers and immigration advocacy groups about the impact the cut would have on due process. [Read more »](#)

Gov't Can't Halt Order Allowing Immigrant Teen Abortions

A District of Columbia federal judge on Wednesday refused a bid by the Trump administration to pause an order temporarily barring the federal government from denying abortions to a certified class of detained immigrant teenagers. [Read more »](#)

DHS Ends Temporary Protected Status For Nepalis

The U.S. Department of Homeland Security on Thursday announced that it is ending a temporary protected status program that allowed natives of Nepal impacted by a 2015 earthquake to legally work, study and live in the United States. [Read more »](#)

TELECOMMUNICATIONS

Pai Says He Had No Advance Knowledge of Sinclair Merger

Federal Communications Commission Chairman Ajit Pai told a congressional panel Thursday he had no advance knowledge of a proposed \$3.9 billion merger between Sinclair Broadcasting Group Inc. and Tribune Media when the commission made a regulatory

change that helped clear the way for the deal.
[Read more »](#)

Groups Urge SIM Rules That Help Consumers Switch Carriers

Consumer advocates called on a telecommunications standards organization Wednesday to resist cellphone carriers' move to disable new technology that could make it easier for customers to switch providers. [Read more »](#)

WHITE COLLAR

Menendez Admonished By Ethics Committee Over Doc's Gifts

A U.S. Senate ethics committee "severely admonished" U.S. Sen. Bob Menendez, D-N.J., Thursday for accepting gifts from a Florida eye doctor without obtaining the panel's approval and failing to publicly disclose them, while also using his elected position to advance the physician's interests. [Read more »](#)

EXPERT ANALYSIS

National Security Concerns May Prevail In Travel Ban Case

U.S. Supreme Court oral arguments Wednesday in Trump v. Hawaii seemed to split along traditional liberal-conservative lines, but the court's ultimate decision may come down to questions regarding national security, says Jeffrey Gorsky of Berry Appleman & Leiden LLP. [Read more »](#)

Proactively Preparing For The Post-Quill World

Regardless of the U.S. Supreme Court's ultimate decision in South Dakota v. Wayfair, state-specific sales and use tax rules will continue becoming more complex. Businesses and governments should be taking steps now to meet the major compliance challenges that are on the horizon, says Charles Maniace,

director of regulatory analysis at Sovos Compliance LLC. [Read more »](#)

Congress Makes A Splash By Tackling Tip Pools

The tug of war over which restaurant employees are entitled to a piece of customer gratuities continues. Seven years after the U.S. Department of Labor issued regulations expressly prohibiting employers from requiring tipped employees to share gratuities with nontipped staff, the rope has moved in the opposite direction, say Marc Zimmerman and Kathryn Lundy of Michelman & Robinson LLP. [Read more »](#)

9 Things To Know About Native American Law In 2018: Part 1

This year has brought a number of major developments in Native American law that should be closely watched, including the Tribal Labor Sovereignty Act's recent failure in the Senate and preparations for the largest reorganization of the U.S. Department of the Interior in the agency's history, say attorneys with Akin Gump Strauss Hauer & Feld LLP. [Read more »](#)

Gorsuch And The Coexistence Of Natural Law And Originalism

An initial question regarding Justice Neil Gorsuch's appointment to the U.S. Supreme Court was whether he would hew to the originalist jurisprudence of the late Justice Antonin Scalia or strike out in some new direction, perhaps one suggested by his academic work in natural law theory. The jury is still out, but there are good reasons to think the answer is "both," say Randy Gordon and Stephanie Assi of Texas A&M University School of Law. [Read more »](#)

LEGAL INDUSTRY

Proskauer's Doe, Named In New Filing, Lodges Fresh Claims

The female partner suing Proskauer Rose LLP in a \$50 million gender discrimination case identified herself in an amended complaint Wednesday as Washington, D.C.-based Connie Bertram and lodged new allegations that the firm has disparaged her and frozen her out of firm business because she filed suit. [Read more »](#)

Slater & Gordon UK, With New Owners, Brings In Biz Leaders

Slater & Gordon UK on Thursday announced that it has appointed to its senior management a pair of corporate leaders from the consumer business and private equity sectors as part of a round of leadership changes following the firm's sale to hedge funds. [Read more »](#)

ABA To Mull Model 'Wellness' Policy For Struggling Attys

Policymakers at the American Bar Association are expected to consider a model law firm policy aimed at promoting lawyer well-being later this year, an ABA committee chair said Thursday. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Jones Day clocked a lion's win this week when the U.S. Supreme Court sided with the law firm's arguments and struck down partial decisions at the Patent Trial and Appeal Board, while an in-house attorney at Merck made it on the legal lambs list after a judge said his "dishonest and duplicitous" behavior doomed a \$200 million patent win for the company. [Read more »](#)

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From: Public Policy Law360
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To: Rep48
Subject: Justices Seem Wary Of Strict Int'l Deference Standard



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Monday, April 30, 2018



TOP NEWS

Analysis

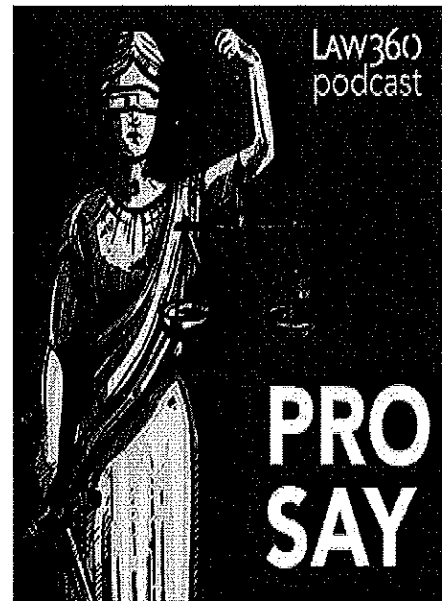
Justices Seem Wary Of Strict Int'l Deference Standard

The U.S. Supreme Court heard oral arguments on Tuesday in a price-fixing case involving the degree of deference statements from foreign sovereigns should be given, and while the sides seemed to push for a strict standard, the justices appeared wary of applying too heavy a hand to an issue that could have far-reaching repercussions. [Read more »](#)

Analysis

Three Things States Will Keep Doing If Quill Remains

States have gone too far to get around physical presence requirements for making retailers collect and remit use tax to give up now, and that will be true even if the U.S. Supreme Court upholds *Quill Corp. v. North Dakota*. Here are three things states will keep doing to bring in sales and use tax revenue, even if *Quill* stays. [Read more »](#)



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LAW FIRMS

Akin Gump
Allen & Overy
Alston & Bird

Analysis

4 Moments That May Decide Travel Ban 3.0's Fate

Constitutional experts are predicting the U.S. Supreme Court will likely uphold the third version of President Donald Trump's travel ban, but both sides faced tough questioning from the justices at oral arguments. As the parties await a ruling expected in June, we dig into moments in the argument that may tip the scales. [Read more »](#)

Analysis

Sinclair's New Tribune Deal Still Pushes Policy Boundaries

Sinclair Broadcast Group Inc. added details about its \$3.9 billion acquisition of Tribune Media Co. this week as the broadcaster announced updated plans to divest 23 stations, but filling in the blanks has only intensified the battle over the rightful limits on media consolidation and Sinclair's merger plans specifically. [Read more »](#)

WTO Dispute Roundup: China Seeks Allies In IP Tussle

In Law360's latest look at the World Trade Organization's Dispute Settlement Body, China attempts to rally other nations in its ongoing feud with the U.S. over intellectual property policy while other members advance cases centering on paper and steel products. [Read more »](#)

US Sustains Pressure On China With Sweeping IP Report

The Office of the U.S. Trade Representative issued its annual global intellectual property report on Friday, continuing the Trump administration's high-stakes IP battle with China by saying it needs to keep a close eye on trade secret theft and online counterfeiting and piracy involving the Asian country. [Read more »](#)

Split 5th Circ. Upholds Reboot Of Texas Voter ID Law

Anthony Kennedy PC

Arnold & Porter

Baker Botts

Baker Donelson

Baker McKenzie

BakerHostetler

Buchalter PC

Chamberlain Hrdlicka

Clyde Snow

Copilevitz & Canter

Covington & Burling

Crowell & Moring

DLA Piper

Davis Polk

Dechert

Earthjustice

Fisher Phillips

Fletcher Heald

Fulbright Winniford

Garvey Schubert

Gibson Dunn

Goodwin

Holland & Knight

Irell & Manella

Jenner & Block

Jones Day

Jones Walker

K&L Gates

Kelley Drye

Kirkland & Ellis

Kleinbard LLC

Latham & Watkins

Little Mendelson

Morgan Lewis

Morrison & Foerster

Nixon Peabody

Norton Rose Fulbright

Ogletree Deakins

The Fifth Circuit upheld Texas' new voter ID law on Friday, finding that the new law, SB 5, fixed discriminatory measures laid out in an older overturned version the en banc court had rejected, according to a decision that had all three panel judges penning their own opinions. [Read more »](#)

BANKING & SECURITIES

FDIC Vice Chairman Set To Depart Agency

The Federal Deposit Insurance Corp. said Friday that its vice chairman is stepping down after serving out his six-year term at the agency, where he advocated for stronger capital standards for large banks. [Read more »](#)

Post-Deepwater Blowout Safety Regs Cut By Trump Admin.

The Trump administration Friday unveiled a proposed rollback of Obama-era requirements for blowout preventers and other well controls for offshore drillers — regulations developed in the aftermath of the 2010 Deepwater Horizon disaster, which killed 11 rig workers and led to the biggest oil spill in U.S. history. [Read more »](#)

ENERGY & ENVIRONMENTAL

Sens. Push Zinke To Halt Monument Plans Until Court Ruling

Seventeen U.S. senators submitted a letter to U.S. Department of Interior Secretary Ryan Zinke on Thursday urging the Bureau of Land Management to stop developing management plans for national monuments in Utah until courts have considered President Donald Trump's decision to reduce the size of the parks. [Read more »](#)

NY Leads Group Opposing EPA's Clean Power Plan Repeal

New York and other state and local governments objected Thursday to the U.S.

Paul Hastings
Paul Weiss
Proskauer Rose
Reed Smith
Richards Rodriguez
Riley Safer
Sanford Heisler
Shook Hardy
Sidley Austin
Skadden
Somach Simmons
Steptoe & Johnson LLP
Sterne Kessler
Stoel Rives
Wanger Jones
White & Case
White and Williams
Williams & Connolly
WilmerHale
Winston & Strawn

COMPANIES

Aetna Inc.
Amazon.com Inc.
American Bankers Association
American Bar Association
American Petroleum Institute Inc.
Apple Inc.
Association of Corporate Counsel
Burford Capital LLC
CA Inc.
CTIA
CUNA Mutual Group
CashCall Inc.
Chevron Corporation
Cisco Systems Inc.
Columbia Sportswear Company
Competitive Carriers Association
DISH Network Corporation

Environmental Protection Agency's proposal to repeal the Obama-era Clean Power Plan for fighting climate change, arguing the EPA must set limits on carbon pollution. [Read more »](#)

Feds, Calif. Farmers Take On Tribes, Enviro Over Water Flow

Two California tribes and several environmental groups wrangled with federal agencies and water groups representing farms and ranches in California federal court filings Thursday, arguing over whether a water flow order meant to protect salmon populations is needed in 2018. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

House Votes To Extend Airplane Fuel Tax Until 2023

The U.S. House of Representatives voted on Friday to extend the aircraft fuel tax until 2023 as part of a bill to reauthorize and fund the Federal Aviation Administration. [Read more »](#)

FAA Bill Tweaking Safety, Passenger Rules Gets House OK

The U.S. House of Representatives on Friday passed a reauthorization of the Federal Aviation Administration for the next five years, including a set of reforms for airport operations, passenger rules and safety regulations. [Read more »](#)

3rd Circ. Probes Cost Of Gridlock In GWB Scandal Appeals

The Third Circuit has called on prosecutors to spell out the evidence presented to jurors showing that gridlock at the George Washington Bridge came at a cost above the threshold needed to sustain the criminal convictions of two former public officials in a political revenge scheme. [Read more »](#)

COMPETITION

Deloitte Touche
Delta Air Lines Inc.
Democratic National Committee
Etsy Inc.
Exterro Inc.
Facebook
Fannie Mae
Gallup Inc.
Garden City Group Inc.
Google Inc.
Hewlett Packard Enterprise Co.
International Association of Privacy Professionals
International Business Machines Corporation
International SOS Pte Ltd
Johnson & Johnson
KPMG International
Metropolitan St. Louis Sewer District
Microsoft Corporation
Murray Energy Corp.
NAACP Legal Defense and Educational Fund Inc.
National Congress of American Indians
National Women's Law Center
Natural Resources Defense Council
NetApp, Inc.
New York Times Co.
Overstock.com Inc.
Pew Charitable Trusts
PhRMA
Quill Corp.
SAS Institute
Sinclair Broadcast Group, Inc.
Starbucks Corporation
Tax Foundation

New FTC Is Set, But Ohlhausen Makes One Appointee Wait

The next slate of Federal Trade Commission members are ready to take their seats following the U.S. Senate's confirmation of five new nominees Thursday, but one, Christine S. Wilson, must wait until acting FTC Chair Maureen Ohlhausen's own nomination to serve as a U.S. Court of Federal Claims judge moves forward. [Read more »](#)

Senate Democrats Float Bill To Curb Noncompete Agreements

Sen. Chris Murphy, D-Conn., and two other Senate Democrats on Thursday unveiled legislation that would prohibit employers from locking workers into noncompete agreements and put violators on the hook for federal fines or private lawsuits. [Read more »](#)

CYBERSECURITY & PRIVACY

Feature

EU Privacy Reform Boosted By Facebook Scandal, MEP Says

In an exclusive interview with Law360, the lead negotiator for the European Union's looming e-privacy regulation discusses why she's happy about the recent Facebook data-harvesting debacle, how EU law is impacting global privacy norms, and why she's not sold on the CLOUD Act as a solution for overseas data grabs. [Read more »](#)

CONSUMER PROTECTION

Warren Asks About Lobbyist Influence On CFPB's Mulvaney

Sen. Elizabeth Warren on Thursday asked Consumer Financial Protection Bureau acting Director Mick Mulvaney for information about how lobbyists' contributions to his previous congressional campaigns are factoring into his decisions at the agency. [Read more »](#)

AEROSPACE & DEFENSE

Texas RioGrande Legal Aid Inc.
Toll Brothers Inc.
Tribune Media Co.
Univar Incorporated
Verizon Communications
Washington Post Co.
Wayfair LLC
Xerox Corporation
eBay Inc.

GOVERNMENT AGENCIES

Blackfeet Nation
Bureau of Indian Affairs
Bureau of Land Management
Bureau of Reclamation
Bureau of Safety and Environmental Enforcement
Central Intelligence Agency
Consumer Financial Protection Bureau
Crow Creek Sioux Tribe
Crow Nation
Department of Commerce
European Commission
European Union
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Emergency Management Agency
Federal Energy Regulatory Commission
Federal Reserve Bank of Kansas City
Federal Reserve System
Federal Trade Commission
Flandreau Santee Sioux Tribe
Hoopa Valley Tribe

Russia Sanctions Hurt US Arms Sales, Defense Chief Says

Sanctions placed on Russia by Congress are also hurting both the U.S. and its allies by restricting arms sales, Defense Secretary James Mattis told lawmakers, as he also defended the U.S. Department of Defense's contentious approach to its pending JEDI cloud computing contract. [Read more »](#)

Sens. Move To Block Sending F-35s To Turkey

A bipartisan trio of senators have floated a bill to ground the planned transfer of F-35 Lightning II fighter jets to Turkey, saying the country has flouted international norms and has started acting against American interests. [Read more »](#)

TAX

Analysis

Tax Pros Excited About Opportunity Zones But Want Clarity

While a new program created under the federal tax overhaul that aims to provide tax benefits to investors for building and creating jobs in low-income areas is expected to succeed, many tax experts want more guidance from the IRS before projects are planned and executed. [Read more »](#)

IMMIGRATION

AG Sessions Wants Full 7th Circ. To Hear Sanctuary City Case

The Trump administration on Friday urged the full Seventh Circuit to reconsider its ruling affirming a lower court's injunction against the U.S. Department of Justice preventing it from withholding federal grant money from so-called sanctuary cities in an effort to force them to comply with hard-line immigration policies. [Read more »](#)

Hopi Tribe

Indian Health Service

Internal Revenue Service

Kiowa Tribe of Oklahoma

NATO

National Labor Relations Board

National Marine Fisheries Service

Navajo Nation

New York Attorney General's Office

Office of the Comptroller of the Currency

Office of the U.S. Trade Representative

Pennsylvania Supreme Court

Port Authority of New York & New Jersey

Privacy & Civil Liberties Oversight Board

Quapaw Tribe of Oklahoma

Securities and Exchange Commission

Texas House of Representatives

U.S. Department of Defense

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. Forest Service

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Patent and Trademark Office

U.S. Senate

Immigration Bill Roundup: Sanctuary Cities, Court Oversight

Though political will to cooperate on immigration-related issues has been in short stock lately, lawmakers on both sides of the aisle have introduced legislation over the last month tackling sanctuary cities, immigration court reform, family reunification and illegal reentry to the U.S. [Read more »](#)

NATIVE AMERICAN

Senate Marks Day To Honor Murdered, Missing Native Women

The U.S. Senate has pushed through a bipartisan resolution that will mark May 5 this year as a national day to honor the lives of all Native American and Alaska Native women who have either been killed or gone missing, leaders in the upper chamber announced. [Read more »](#)

TELECOMMUNICATIONS

Analysis

FCC Rules May Spur Legal Battles Between Tribes And Feds

A recent suit challenging the Federal Communications Commission's rules exempting smaller infrastructure for 5G wireless networks from historic and environmental reviews could be the first of many, as tribes fight to limit wireless projects that threaten cultural properties and face the prospect of other federal agencies following the FCC's lead by curbing tribal consultation to speed up economic development. [Read more »](#)

Split DC Circ. Tosses Challenge To FTC Soundboard Call Rule

A split D.C. Circuit panel on Friday tossed a trade group's challenge to the Federal Trade Commission's extension of robocalling restrictions to telemarketers playing prerecorded sound bites, holding the letter

U.S. Senate Committee on Energy and Natural Resources

U.S. Supreme Court

United South and Eastern Tribes

United States Court of Appeals for the Third Circuit

United States District Court for the Eastern District of Pennsylvania

World Trade Organization

Yurok Tribe

announcing the changes was not reviewable in the first place despite its potential to upend the soundboard marketing industry. [Read more »](#)

FCC Won't Investigate Cambridge Analytica, Pai Says

The Federal Communications Commission will not investigate whether embattled political consulting firm Cambridge Analytica wrongly bought information about TV viewers' habits, Chairman Ajit Pai said Friday, shooting down a lawmaker's requested probe into the matter. [Read more »](#)

FCC Floats \$5.3M Phone Co. Fine For Duping Consumers

TeleCircuit Network Corp. should be fined more than \$5.3 million for reportedly switching unwitting consumers from their chosen carrier to the Georgia-based phone company and piling unauthorized charges onto their bills, the Federal Communications Commission proposed Friday. [Read more »](#)

WHITE COLLAR

Manafort Loses Civil Challenge To Mueller Probe

A D.C. federal judge on Friday tossed Paul J. Manafort Jr.'s civil suit challenging the special counsel criminal charges against him, ruling the former Trump campaign manager's only chance of ducking the money laundering and other accusations is in the criminal proceedings themselves. [Read more »](#)

No Trump Collusion With Russia, House Intel GOP Says

House Intelligence Committee Republicans on Friday released their much-anticipated report into Russian interference with the 2016 election, criticizing both the Donald Trump and Hillary Clinton presidential campaigns for "poor judgment and ill-considered actions" but also saying they had found no evidence of

collusion between the Trump campaign and Russia. [Read more »](#)

Gov't Urges 18-Month Sentence For Atty In Pa. Graft Case

Federal prosecutors are urging a judge to sentence an attorney and political consultant to 18 months in prison after he copped to charges in connection with two separate pay-to-play schemes in the Pennsylvania cities of Allentown and Reading. [Read more »](#)

POLITICS

Fee Order Stayed Against Pa. Sen. In Gerrymandering Row

A Pennsylvania federal judge agreed Friday, for the time being, to allow a Republican state senator to avoid personally paying legal fees stemming from a bungled attempt to transfer a landmark gerrymandering lawsuit out of state court. [Read more »](#)

PEOPLE

Facebook Taps Ex-FCC Chair As US Public Policy Head

Facebook is shuffling its U.S. lobbying team as the company responds to unprecedented regulatory scrutiny on Capitol Hill, tapping an ex-chairman of the Federal Communications Commission to replace its chief privacy officer at the top of its Washington, D.C., public policy team. [Read more »](#)

Interim NJ US Atty Tapped By Court To Remain In Post

U.S. Attorney Craig Carpenito will remain the top prosecutor in the District of New Jersey when his interim term expires in about a week, a federal judge ordered Friday. [Read more »](#)

EXPERT ANALYSIS

Opinion

State AGs Must Fill The CFPB Void, But That's Not Enough

With Mick Mulvaney gutting the Consumer Financial Protection Bureau, the burden of standing up to giant, deep-pocketed financial institutions falls more heavily on state attorneys general. But in the end, such efforts can't replace the power the CFPB has to protect consumers across all states equally, says District of Columbia Attorney General Karl Racine. [Read more »](#)

Time To Express Interest In Federal Water Infrastructure Loans

The U.S. Environmental Protection Agency recently issued its notice of funding availability for 2018 projects under the Water Infrastructure Finance and Innovation Act. Attorneys with Nixon Peabody LLP discuss the types of projects most likely to get funded and steps to increase the likelihood of selection. [Read more = 2](#)

Is A FERC Pipeline Policy Reset Coming?

The Federal Energy Regulatory Commission recently initiated a review of its 1999 certificate policy statement, which many landowners, environmentalists and others have argued excessively favors approval of natural gas infrastructure. However, a review does not necessarily signal a preference by the commission to change its existing policy, say attorneys with Steptoe & Johnson LLP. [Read more »](#)

9 Things To Know About Native American Law In 2018: Part 2

This year has brought a number of major developments in Native American law that should be closely watched, including legislation to combat the opioid epidemic in Indian Country, and water settlement funding in the fiscal year 2018 omnibus, say attorneys with Akin Gump Strauss Hauer & Feld LLP. [Read more »](#)

Opinion

Suing Gun Makers Is Not The Way To Curb Gun Violence

Those seeking to stop gun violence should focus on convincing their elected representatives to enact thoughtful gun regulation, not creating new lawsuits. Repealing the Protection of Lawful Commerce in Arms Act, as some have called for, would trample the rights of product manufacturers and siphon the blame away from criminals, says Victor Schwartz, co-chair of the public policy group at Shook Hardy & Bacon LLP. [Read more »](#)

LEGAL INDUSTRY

How Attys Can Avoid Conflict Trouble In Litigation Funding

Lawyers looking to cut a deal with a third-party case funder don't have much in the way of clear ethical guidance, but here's a pro tip from litigation investor and ethics experts: Don't do the deal yourself. [Read more »](#)

Ogletree Wants To Move Atty's \$300M Gender Bias Suit

Ogletree Deakins Nash Smoak & Stewart PC asked a federal court on Friday to transfer to the Central District of California an attorney's \$300 million proposed class action alleging the firm's male-dominated leadership discriminates against women, saying the attorney was "forum shopping." [Read more »](#)

Texas Atty Uses Free Speech Law To Get Fraud Claims Tossed

The Texas Supreme Court on Friday ruled that a state free speech law dictates that fraud claims against an attorney by a former court opponent should be tossed because the actions that led to the lawsuit happened in court and are protected by attorney immunity. [Read more »](#)

Attys' Mindsets During Discovery Must Change, Judges Say

A survey of 30 federal judges that was released Friday found that the biggest cause of e-discovery problems today is not how well lawyers use the technology, but instead a lack of adequate cooperation between parties during the process. [Read more »](#)

Legal Tech Download: AI Sandbox, Univar And Barclays

The world of legal technology is quickly evolving, with new products coming to market in rapid succession. Here, Law360 takes a look at seven recent developments. [Read more »](#)

Podcast

Law360's Pro Say: Hot Moments From The Travel Ban Args

Big things have been happening at the Supreme Court this week, so on the latest episode of Law360's Pro Say podcast we spend the entire show breaking down the developments. We dive in to the hot-button moments from the oral argument over President Trump's immigration travel ban, discuss a beef between Justices Gorsuch and Breyer over Chevron deference, and explain two important patent rulings. [Read more »](#)

Feature

GC Cheat Sheet: The Hottest Corporate News Of The Week

Top Democratic representatives and senators on the labor appropriations subcommittees told the National Labor Relations Board's general counsel they were concerned about his apparent discussions with a Littler Mendelson PC attorney, a panel of three general counsels from major technology companies underscored the importance of corporate attorneys increasingly driving business strategy, and a jury found an Atlanta attorney who shot his wife guilty of felony murder. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

JOBS

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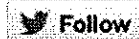
From: Public Policy Law360
Sent: Tuesday, May 1, 2018 4:23 AM
To: Rep48
Subject: AT&T-Time Warner Judge Questions 'Kabuki Man' Blackouts



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Tuesday, May 1, 2018



TOP NEWS

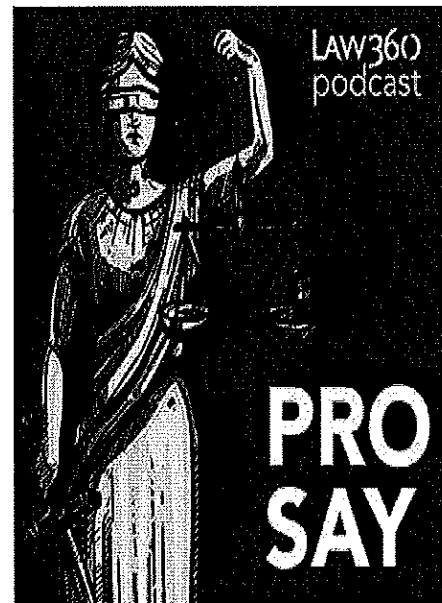
AT&T-Time Warner Judge Questions 'Kabuki Man' Blackouts

The D.C. federal judge considering the challenge to the AT&T-Time Warner merger pushed back during closing arguments Monday on government antitrust assertions that the merged entity will more readily threaten pay-TV distributors with content blackouts, while also asking about his ability to condition the tie-up rather than block it. [Read more »](#)

Pa. Court Axes Challenge To Sunoco's Eminent Domain Power

A Pennsylvania appeals court on Monday shot down a lawsuit from an environmental group alleging that a Sunoco Inc. unit improperly exercised eminent domain powers to seize land for construction of its controversial Mariner East 2 natural gas pipeline. [Read more »](#)

Feature



[Listen to our new podcast here](#)

LAW FIRMS

Advocates for the West

Akin Gump

Allen & Overy

Provisions To Watch In The House's FAA Reauthorization

The House's swift passage of a five-year reauthorization of the Federal Aviation Administration on Friday signals that Congress is eager to advance meaningful infrastructure investment by first addressing aviation safety reforms and airport funding, industry observers say. Here, Law360 highlights a few notable provisions. [Read more »](#)

HHS Seeks High Court Review Of Medicare Payments Ruling

The U.S. Department of Health and Human Services urged the U.S. Supreme Court on Monday to review a D.C. Circuit decision finding that the Centers for Medicare & Medicaid Services acted improperly when it changed its methods for calculating reimbursements to hospitals for uncompensated care in 2012. [Read more »](#)

Slew Of Defense Acquisition Rules On Chopping Block

The U.S. Department of Defense expects to slash about half its defense-specific acquisition rules after a regulatory review panel completes its work, a top U.S. Army contracting official said. [Read more »](#)

US Trade Delegation Will Head To China This Week

The White House on Monday offered more details about the Trump administration's forthcoming trip to China that will aim to smooth over fractious trade ties with Beijing, confirming that a delegation spearheaded by Treasury Secretary Steven Mnuchin will depart on Thursday. [Read more »](#)

BANKING & SECURITIES

Analysis

'Testing The Waters' Expansion Could Make IPOs Easier

Anthony Kennedy PC

Baker Botts

Baker McKenzie

Bracewell

Cleary Gottlieb

Cravath Swaine

Crowell & Moring

DLA Piper

Duane Morris

Epstein Becker Green

Fisher Taubefeld

Franzblau Dratch

Gibson Dunn

Goldberg & Fliegel

Hill Wallack

Hogan Lovells

Holifield Janich

Holland & Knight

Hunton Andrews Kurth

Kasowitz Benson

Kramer Levin

Latham & Watkins

Lipman & Plesur

Lockridge Grindal

Marashlian & Donahue

Mayer Brown

Morgan Lewis

Morrison & Foerster

O'Melveny & Myers

Perkins Coie

Proskauer Rose

Reed Smith

Sanford Heisler

Schiller

Shearman & Sterling

Shute Mihaly

Simpson Thacher

Steptoe & Johnson LLP

If the U.S. Securities and Exchange Commission relaxes restrictions on company communications prior to initial public offerings to a wider group of companies — a perk currently limited to smaller firms — capital markets attorneys say more large companies would welcome the freedom to test the IPO waters. [Read more »](#)

Ex-Corinthian Students Look To Bar Fed Loan Collections

The U.S. Department of Education flouted federal law on agency rulemaking and violated the Privacy Act when it suddenly changed its student loan forgiveness policy, a putative class of former students of the now-defunct Corinthian College told a California federal judge Monday, arguing that without a temporary bar on the new policy, they'd be forced to choose between life necessities and loan defaults. [Read more »](#)

ENERGY & ENVIRONMENTAL

Spring Water Bottlers Expected To Fight A Move To Tax Them

A Michigan lawmaker seeks to levy a first-in-the-nation excise tax on spring water bottlers, saying it is "ridiculous" that private companies can use the state's natural resources for free, a move that experts predict will be met with a vigorous fight from big water businesses. [Read more »](#)

Pa. Gov. Pushes For Bipartisan Natural Gas Tax

The governor of Pennsylvania revealed Monday that he is partnering with at least one Republican legislator to push for a severance tax on natural gas to generate some \$250 million in new revenue for state coffers. [Read more »](#)

Enviros Sue Over Oil, Gas Leases In Sage-Grouse Country

Stinson Leonard
Tucker Ellis
Weitz & Luxenberg

COMPANIES

AT&T Inc.
ATS Corporation
Adobe Systems Incorporated
Advance Publications Inc.
Allina Health System Inc.
American Bankers Association
American Express Company
Arab Bank PLC
Ascena Retail Group Inc.
CH Energy Group Inc.
CarePayment LLC
Carlson Wagonlit BV
Center for Biological Diversity Inc.
Corporation for Public
Broadcasting
DHL International GmbH
DXC Technology Co.
Deerfield Management Co. LP
Equifax Inc.
GoPro Inc.
Hulu LLC
Instagram Inc.
KeyPoint Government Solutions
Methodist Hospital System
Microsoft Corporation
Midcontinent Independent System
Operator Inc.
Middlesex Water Company
Montefiore Health System Inc.
Mount Sinai Hospital
Nardello & Co.
Nestle
Nevro Corp.
NewYork-Presbyterian Hospital

Two environmental groups on Monday sued the U.S. Department of the Interior's Bureau of Land Management, alleging it improperly reduced protections for greater sage-grouse by allowing oil and gas leases on almost 2 million acres of the birds' habitat. [Read more »](#)

Minn. Blasts Feds' Constitutional Attack On Power Grid Law

Minnesota on Monday ripped the U.S. government's contention that a state law giving preference to incumbent utilities for new electric grid projects is unconstitutional, arguing the preference isn't inherently discriminatory against out-of-state developers, and states can rely upon utility monopolies in order to ensure reliable electric service. [Read more »](#)

EPA Can't Exempt Blenders From Biofuel Regs, DC Circ. Told

The U.S. Environmental Protection Agency flouted the Clean Air Act by refusing to shift some of the obligation for blending renewable fuels into the nation's transportation fuel supply from refiners to fuel blenders as part of the agency's Renewable Fuel Standard program, refiners told the D.C. Circuit Friday. [Read more »](#)

HEALTH & LIFE SCIENCES

NYC Jury Mulls Complex Medicare Insider Trading Case

A Manhattan jury on Monday worked to sort out a complicated case against a federal worker, a consultant and two investment pros accused of forming a "corrupt tipping chain" that fed Centers for Medicare and Medicaid Services secrets to Wall Street traders, after a federal judge declined a defense request to give more legal instructions [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Northern Mariana Islands Retirement Fund
Oracle Corp.
Public Broadcasting Service
Sunoco LP
Tax Foundation
The Boeing Company
The DIRECTV Group, Inc.
Time Warner Inc.
Turner Broadcasting System Inc.
United Continental Holdings Inc.
United Parcel Service Inc.
United States Steel Corporation
Universal Service Administrative Co.
Valero Energy Corp.
Vencore Inc.
Viacom Inc.
Williams Lea

GOVERNMENT AGENCIES

Bureau of Land Management
Centers for Medicare & Medicaid Services
Consumer Financial Protection Bureau
Energy Information Administration
European Union
Executive Office of the President
Export-Import Bank of the United States
Federal Aviation Administration
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Internal Revenue Service

Justices Won't Review Calif. Rail Line Enviro Dispute

The U.S. Supreme Court on Monday declined to review the California Supreme Court's ruling that the state's cornerstone environmental law is not preempted by federal law in a challenge to a state-owned railroad entity's plans to further revive a line in Northern California. [Read more »](#)

REAL ESTATE

NJ Builder Can't Shake Denial To Connect To Water System

The New Jersey Appellate Division on Monday refused to second-guess a municipal water agency's refusal to allow a builder to connect its mixed-use development with more than 1,000 homes to the town's system without a 1 million-gallon water storage tank, ruling expert testimony showed the tank is needed. [Read more »](#)

EMPLOYMENT

Feature

DOL's Guidance On Bipolar Benefits Raises Eyebrows

Employers can look to the U.S. Department of Labor's recent guidance on the Mental Health Parity and Addiction Equity Act for direction on how to handle mental health and addiction benefits without landing in legal trouble, but the DOL's language on bipolar disorder may create more confusion than clarity, attorneys say. [Read more »](#)

Chamber Gets Halt On Bulk Of Philly's Salary Inquiry Law

A Pennsylvania federal judge on Monday blocked Philadelphia from implementing a key element of an ordinance that aims to eliminate the wage gap for women and minorities, saying a provision preventing companies from asking

National Economic Council
New York State Assembly
Securities and Exchange Commission
Social Security Administration
Surface Transportation Board
U.S. Army
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Education
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of Veterans Affairs
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Postal Service
U.S. Supreme Court
United States District Court for the Eastern District of Pennsylvania
World Trade Organization

applicants about their salary history violated an employer's free speech rights. [Read more »](#)

CONSUMER PROTECTION

CFPB Got 22K Complaints About Equifax After Breach: Report

The Consumer Financial Protection Bureau received nearly 22,000 complaints about Equifax in the six months after the credit reporting agency disclosed its data breach last year, which is close to double the number of complaints received in the six months before the disclosure, according to a report released Monday by three Democratic senators. [Read more »](#)

AEROSPACE & DEFENSE

Vets Sue To Remove Acting VA Secretary Wilkie

Acting Secretary of Veterans Affairs Robert Wilkie's appointment was unlawful and he should be removed from the position, according to a suit filed Monday against the U.S. Department of Veterans Affairs in D.C. federal court that claims Deputy Secretary Thomas Bowman was wrongly bypassed for the position. [Read more »](#)

INTERNATIONAL TRADE

Trump Blinks, Holds Off Metal Tariffs For Close Allies

President Donald Trump opted against imposing national security-based steel and aluminum tariffs on a handful of allies late Monday, striking permanent agreements to spare Argentina, Australia and Brazil while extending ongoing talks with the European Union, Canada and Mexico. [Read more »](#)

Trump, Netanyahu Rail Against Iran Deal Before Deadline

Israeli Prime Minister Benjamin Netanyahu accused the Iranian government Monday of

lying about its nuclear weapons program, comments that President Donald Trump jumped on to slam the 2015 Iran nuclear deal ahead of a key deadline, while noting he remained open to renegotiation. [Read more »](#)

Iranian Execs Exported Goods Despite Sanctions, Gov't Says

Three executives of an Iranian manufacturing company who live permanently in the United States were indicted last week in California federal court on charges that they illegally shipped goods from the U.S. to Iran despite sanctions against such exports, according to a statement by the U.S. Department of Justice. [Read more »](#)

Dems Want A Permanent Fix For Hobbled Ex-Im Bank

On the heels of President Donald Trump's decision to tap one of his top trade advisers as the interim head of the U.S. Export-Import Bank, a throng of Democratic senators on Friday pressed the White House to move ahead with a permanent leader for the beleaguered export credit agency. [Read more »](#)

IMMIGRATION

Trump Would Shutter Gov't If Border Funding Demand Not Met

President Donald Trump over the weekend said he would be willing to allow the government to shut down if Congress does not pass border security funding by its next spending bill deadline in September. [Read more »](#)

Acting ICE Director To Retire Before Confirmation Hearing

U.S. Immigration and Customs Enforcement's acting director, Thomas Homan, said Monday that he will retire before the Senate proceeds with his stalled confirmation. [Read more »](#)

TELECOMMUNICATIONS

Next-Gen Simulcasting Will Hamper Public TV, PBS Says

Groups representing public television stations, including PBS, have told the Federal Communications Commission that noncommercial educational stations must be excluded from a requirement that broadcasters carry both the status quo and the newly approved "next generation" broadcasting signals. [Read more »](#)

FCC Public Service Fees For Carriers Chided As Confusing

The Federal Communications Commission's treatment of universal services fees charged to providers offering both private and common-carrier business data services has caused an "unacceptable degree of confusion" for those that advise the companies, according to recent comments. [Read more »](#)

WHITE COLLAR

Ex-NY Assembly Speaker Silver's 2nd Graft Trial Kicks Off

Former New York State Assembly Speaker Sheldon Silver, for decades one of the most powerful politicians in the state, on Monday began a second trial over claims that he reaped millions of dollars in illicit referral fees in exchange for taking official action on behalf of developers and an asbestos disease doctor, which prosecutors told jurors was "quid pro quo, this for that." [Read more »](#)

EXPERT ANALYSIS

Reining In Abusive Alien Tort Statute Cases

The most obvious takeaway from the U.S. Supreme Court's decision in *Jesner v. Arab Bank* is that non-U.S. corporations no longer need to fear Alien Tort Statute liability. But tucked within the decision's holding and its

various concurring opinions are other key points, say attorneys with Gibson Dunn & Crutcher LLP. [Read more »](#)

The Fastest Federal Civil Court For A Decade

Out of 94 district courts nationwide, the Eastern District of Virginia has the fastest civil trial docket in the country, now for at least the 10th straight year. The modern EDVA bench clearly takes pride in efficiently dispensing justice, and this dedication to efficiency has continued even in the face of increased filings, says Bob Tata of Hunton Andrews Kurth LLP. [Read more »](#)

Don't Sleep On The Dormant Commerce Clause

The Fourth Circuit recently held that a Maryland statute, which prohibited drugmakers and distributors from charging an "unconscionable" price even on sales that occurred outside the state, was a violation of the dormant commerce clause. We cannot read this case without daydreaming about how its logic might apply to other cases, says Stephen McConnell of Reed Smith LLP. [Read more »](#)

Without More Funding IRS Reform Bills May Not Change IRS

Several bills intended to improve things at the IRS recently passed the U.S. House of Representatives. Attorneys Robert Kovacev and Carina Federico of Steptoe & Johnson LLP look at how the legislation would address three major issues and consider whether a legislative overhaul can be implemented without adequate funding. [Read more »](#)

LEGAL INDUSTRY

MoFo Slapped With \$100M Pregnancy Bias Suit

Three California-based associates hit Morrison & Foerster LLP with a \$100 million proposed

class action Monday that alleges the firm delays pay and advancement opportunities for female attorneys who take maternity leave or avail themselves of benefits the firm offers working mothers. [Read more »](#)

Cleary, Outsourcing Co. Hit With Sex Harassment Suit

A worker in Cleary Gottlieb Steen & Hamilton LLP's Manhattan office sued the firm in New York state court Monday, alleging it and outsourcing company Williams Lea Inc. tried to push her out because of her age and let another worker sexually harass her despite her many complaints. [Read more »](#)

\$10K Sanctions For Late-Filing Atty Exposed By Instagram

A New Jersey federal judge has imposed a \$10,000 sanction on a lawyer whose excuse for missing a court filing deadline in an employment suit was later refuted by photos on her Instagram account, writing that she deliberately misled the court and other attorneys about a trip she took to Mexico. [Read more »](#)

The Top In-House Hires Of April

Among the notable legal department hires during the first month of spring were new general counsel at Microsoft Corp., GoPro Inc. and the United States Steel Corp., as well as an acting principal associate deputy attorney general for the U.S. Department of Justice and an assistant general counsel at global travel management company Carlson Wagonlit Travel. [Read more »](#)

Interview

15 Minutes With Adobe's General Counsel

Adobe Systems Inc. executive vice president and general counsel Michael Dillon is retiring this year after a 34-year career in law. Here, Dillon chats with Law360 about the monumental changes that have taken place in the legal industry over the past three decades,

why he thinks the billable hour should die already, and the little-known Arctic explorer that he'd like to have lunch with. [Read more »](#)

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